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DIPLOMATIC CORRESPONDENCE OF THE REPUBLIC OF TEXAS.

PART II.

DIPLOMATIC CORRESPONDENCE OF THE REPUBLIC OF TEXAS.

EDITED BY

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Professor of History in the University of Texas.

PART II.

CORRESPONDENCE WITH THE UNITED STATES (concluded), MEXICO,
AND YUCATAN.

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INTRODUCTION.

In editing Part II of the Diplomatic Correspondence of the Republic of Texas, the same difficulties which appeared in dealing with Part I have manifested themselves with much greater intensity, and to them have been added some new ones. The effort to restore the original grouping has been especially difficult. In the files, inclosures have generally been found separate from the letters with which they were transmitted and placed in order of dates; and, in the records, though they frequently indicate the arrangement of the communications and other matter as sent or received, there is sometimes such confusion that they become utterly useless for the purpose. Besides this, some of the letters received, both those sent independently and those inclosed with others, have been taken out of the "diplomatic" correspondence and filed with other series in the archives, such as "colonization," "financial affairs," "army papers," etc.; and the task of discovering them and returning them to their places in the correspondence has not been easy. It is hoped, however, that, while a little doubt remains in some cases, the endeavor to restore the original arrangement has been fairly successful.

The principal aim, both in the arrangement of the letters and in the annotations, has been to throw as much light as possible on the internal relations of the Correspondence. In this way, it is believed, will the publication of it be given the highest degree of value for the investigator. The external relations, which can be so much more easily worked out by readers unable to reach the Texan archives but with fair library facilities available, have received much less attention.

Part II has been a little more liberally edited than Part I. Errors in the original documents that are evidently the result of pure inadvertence have been corrected, with notes where they have seemed important enough to call for it, but frequently without. The supposition of inadvertence in the case of errors in the use of French and Spanish accents has been made wherever there seemed to be room for it. But errors in this respect or any other that appear to be habitual or due to want of information have, as a general rule, been reproduced, or corrected only with annotations. More freedom has been used in editing copies that there is reason to suspect as corrupt than originals and copies that appear to be trustworthy.

The classification of the correspondence has been by subject matter rather than by the diplomatic office or location of the writer. Letters dealing with Spanish relations, for example, are placed in the correspondence with Spain, even though written by or to the Texan chargé to Great Britain and France.

The system of reference for inclosures, leading from the title to the letter with which the inclosure came, and thence sometimes to the calendar or another division of the correspondence, may now and then try the patience of the reader; but it has been adopted as that which will throw the clearest light on the history and the relations of each letter.

Before reaching final conclusions in the study of Part I, the reader should compare the corrections and further annotations and the list of addenda for Part I given in Part II.

The diplomatic relations of Texas with the European powers began in 1837, with the sending of J. Pinckney Henderson on a mission to Great Britain and France. He had letters of credence both as agent and as minister plenipotentiary to Great Britain, and presumably also to France.^a He reached London in October. The efforts to establish relations with Spain, Belgium, the Netherlands, the Hanse Towns, and Prussia were made partly by the ministers in Great Britain and France, and partly by special chargés. May 20, 1839, James Hamilton was sent to act as joint agent of Texas with Henderson, both in England and France, and on April 18, 1840, he was appointed Texan diplomatic commissioner to the Netherlands, and at the same time received a second commission empowering him to treat with both the Netherlands and Belgium. January 20, 1843, William H. Daingerfield was commissioned as chargé d'affaires to the Netherlands, Belgium, and the Hanse Towns. While on his mission he visited Vienna and Berlin also, and, in fact, undertook some correspondence to ascertain through official sources the attitude of Prussia towards Texas. In 1842, Ashbel Smith, then chargé d'affaires to Great Britain and France, tried to open the way for formal negotiations with Spain by a correspondence with General Sancho, Spanish minister to Great Britain, and Washington Irving, United States minister to Spain, but nothing came of it; nor did Smith nor George W. Terrell, who was commissioned as Texan minister to Spain in 1846, visit Madrid at all.

Strenuous efforts were made by the Texan government during Lamar's administration to establish amicable relations with Mexico. On February 20, 1839, Barnard E. Bee was commissioned both as agent and as minister plenipotentiary of Texas to Mexico. He went to Vera Cruz in May; but the Mexican government refused to receive

^a No copies of his letters of credence to France have been found, but they doubtless had the same form as those to Great Britain.

him, and he got no further. On August 9, of the same year, James Treat was appointed private and confidential agent of Texas to Mexico. He reached Mexico in December, 1839, and remained until November, 1840. On March 20, 1841, James Webb received commissions similar to those which had been given to Bee. He went to Vera Cruz in May, but was not allowed to proceed to Mexico.

On July 20, 1841, President Lamar wrote the governor of Yucatán, which was then in a state of insurrection against the central government of Mexico, inviting him to send an agent to Texas with a view to the establishment of relations of amity and commerce between the two countries. The result was a sort of military convention by which the fleet of Texas was subsidized to operate against Mexico on behalf of both Texas and Yucatán, but no treaty was concluded.

First after the United States to accord recognition to the Republic of Texas was France. This was done by a treaty of amity, commerce, and navigation concluded September 25, 1839, and ratified February 14, 1840. A similar treaty between Great Britain and Texas was signed November 13, 1840; a convention for British mediation between Mexico and Texas, on November 14; and a treaty for the suppression of the African slave trade, on November 16. For reasons which need not be detailed here, the ratifications of these three treaties were not exchanged till June 28, 1842. A commercial treaty with the Netherlands was signed September 18, 1840, and ratified June 15, 1841. A convention of amity, commerce, and navigation with the Hanse Towns was concluded April 17, 1844, and was later ratified by the Senate of Bremen; but, doubtless because of the near prospect of annexation, it seems never to have been acted on by the Senate of Texas. No treaty was concluded with Spain or Belgium. In April, 1838, before Texas was formally recognized, an agreement was effected with the British Government whereby Texan vessels were admitted to the ports of Great Britain as those of Mexico; and a resolution adopted by the senate of Bremen on August 9, 1843, provided for the admission of Texan vessels to the ports of Bremen on the same terms as to port charges and duties as the ships of Bremen on condition of a reciprocal arrangement by Texas.

Of course, until the ratification of the various treaties mentioned, the negotiations with the countries with which they were made was on a more or less informal basis. After those with Great Britain and France were ratified, chargés were sent to Texas by both these nations; but no other had a diplomatic representative to that republic at any time.^a The only chargé sent by Great Britain was Charles Elliot, whose letter of credence was dated June 28, 1842, and who

^a There is good reason to believe that Mr. J. T. Crawford, who visited Texas in April, 1837, came as a secret agent of Great Britain to report on its civil and political condition. Count de Saligny undertook a similar mission for France early in 1839, and Capt. Victor Pirson came openly as the agent of Belgium in 1842. None of these, however, appears to have had any diplomatic authority.

reached Texas in August, and remained till the eve of annexation. The first chargé of France was Count A. de Saligny,^a who was accredited October 2, 1839, and reached Texas in February, 1840. He left Texas in March, 1841, but returned for a brief period in 1842. Towards the end of that year, he was succeeded by Viscount J. de Cramayel. Some two years later, Cramayel left Texas and Saligny returned. This time he continued in the capacity of chargé until the mission was ended by annexation.

The letters printed in Part II have been taken mainly from the file of originals received and copies kept of letters sent from Texas, and from the transcripts in the books of the Department of State. Book 55, from which some of them were obtained, is evidently the original kept by Daingerfield for his missions to the Netherlands, Belgium, and the Hanse Towns. It is, however, the only book from any of the European legations that has been found in the Texan archives. That it was brought to Texas and delivered to the Secretary of State is shown by the letter of Daingerfield to Allen, February 2, 1846; and its contents place its identity beyond question.

Just as this part was ready, as the editor thought, to send to press, a considerable mass of the correspondence was found in books which had not been suspected of containing it. The reasons why it had escaped discovery are that the mass of matter in the books is so great and the indexes so imperfect. The indexes are, in fact—where they exist at all—often worse than useless, in that they are misleading. Many of the letters in the newly discovered group belong to the period of Correspondence with the United States covered by Part I. They make it possible, in some cases and to a certain extent, to follow both sides of the correspondence where the letters already published had given but one. While the editor does not feel absolutely certain that some letters may not still have evaded his search, he hopes that little of importance preserved in the Texan archives and properly to be included in the correspondence now remains unpublished.

The editor is under special obligations to State Librarian E. W. Winkler, who several years ago gave the Correspondence here printed its first approach toward rational and useful arrangement, and consequent availability for the student. Mr. Winkler's minute knowledge of the Texan archives and of southwestern history in general have made his freely rendered assistance of the highest value. Grateful acknowledgment is made also to instructors Walton H. Hamilton and J. L. Worley, of the University of Texas, for help in verifying and arranging the copies; to Profs. Lilia M. Casís and E. J. Villavaso, also of this university, for verifying, respectively, the Spanish and

^a Thus written by himself. The name is usually given in official documents emanating from the French Government as "Dubols de Saligny."

French letters; and to Mr. C. T. Neu, fellow in history in the same institution for 1908-09, and now teacher of history in the high school at Greenville, Tex., for help in various details, and especially in the preparation of the Calendars.

GEORGE P. GARRISON,
University of Texas.

NOTE.

WASHINGTON, D. C., *December 24, 1910.*

The Commission suffered a severe loss in the death of Professor George P. Garrison during the progress of this work. Professor Garrison died in July, 1910, before reading a single page of the proof of this second part of the "Diplomatic Correspondence of Texas." The labor of proof-reading, therefore, fell upon others, who did not possess the special knowledge, experience, and full equipment enjoyed by him. This has occasioned some delay, and may have resulted in some inaccuracy.

Professor Garrison had for years been preparing the material for these volumes, and, fortunately, left it in very good shape for publication. So far as the collation of the text is concerned, he gave assurances of completeness and accuracy. The list of material already published was prepared by him, and he left, to be used with the documents as they were published, notes explaining and illustrating the subject. These have been inserted in the places designated by him. The volume practically stands as his labor.

The proof-reading has been done by Miss Catharine Bowes, Miss Georgia Sanderlin, and Miss Bertha M. Emerson. The Commission acknowledges the courteous assistance of Professor Eugene C. Barker, of the University of Texas.

TEXAN DIPLOMATIC CORRESPONDENCE WITH THE UNITED STATES, 1843
TO 1846 (WITH ADDITIONAL LETTERS, 1835-1842), WITH MEXICO AND
YUCATÁN, AND WITH GREAT BRITAIN AND THE EUROPEAN STATES.

CALENDAR OF CORRESPONDENCE HITHERTO
PRINTED.

ADDENDA TO CORRESPONDENCE WITH THE UNITED STATES, 1835 TO 1846.^a

Burnley to Jones, October 11, 1838 (extract). Failure to secure loan in the United States. Jones, Memoranda and Official Correspondence, 143.

Williams to Jones, March 11, 1839 (extract). Negotiations for a loan in the United States. Jones, Memoranda and Official Correspondence, 145-146.

Reily to Jones, November 10, 1844 (extract). Fears that annexation will be delayed several years. Jones, Memoranda and Official Correspondence, 396-397.

Donelson to Allen, December 10, 1844. Measures adopted by United States to guard interests of Texas in case of renewal of war by Mexico because of annexation. Senate Journal, 9th Tex. Cong., 191-195.

Allen to Donelson, December 13, 1844. Attitude of Texas toward delay of annexation and opposition of United States to Mexican method of prosecuting war against Texas. Senate Journal, 9th Tex. Cong., 195-197.

Kaufman to Jones, September 30, 1845 (extract). Discusses his position as Texan chargé to the United States. Jones, Memoranda and Official Correspondence, 495-496.

Kaufman to Jones, November 3, 1845 (extract). Announces his return to Texas. Jones, Memoranda and Official Correspondence, 503-504.

CORRESPONDENCE WITH MEXICO.

Santa Anna to Filisola, April 22, 1836 [No. 1]. Announces his defeat and capture, and gives orders for the withdrawal of Filisola and Gaona to Bexar, and of Urrea to Guadalupe Victoria. Telegraph and Texas Register (Houston), August 23 and September 6, 1836; Niles' Register, L, 337.

Santa Anna to Filisola, April 22, 1836 [No. 2]. Directs that no damage be done property of citizens of Texas. Telegraph and Texas Register, September 6, 1836.

Santa Anna to Filisola, April 22, 1836 [No. 3]. Orders that prisoners taken at Cópamo be sent to San Felipe. Telegraph and Texas Register, September 6, 1836.

Filisola to Santa Anna, April 28, 1836. Cessation of hostilities in obedience to Santa Anna's orders concerning the armistice. Property will be respected. Deplores past plundering. Niles' Register, L, 337.

Santa Anna to Filisola, May 14, 1836 (extract). Orders that the treaty of May 14, 1836, between Burnet and himself be complied with. Niles' Register, L, 413; Telegraph and Texas Register, August 23, 1836.

Filisola to Santa Anna, May 25, 1836. Promises obedience to terms of agreement between Santa Anna and Houston. Telegraph and Texas Register, August 23, 1836.

Santa Anna to Burnet, June 9, 1836. Protests against violation of Treaty of May 14, 1836, with respect to his own treatment, to that of Woll, and to the failure to exchange

^a See the calendar of correspondence with the United States, 1835-1845, hitherto printed, in Part I, pages 25-49.

prisoners. Niles' Register, LI, 191; Telegraph and Texas Register, October 4, 1836, and March 23, 1842; Austin City Gazette, March 30, 1842.

Burnet to Santa Anna, June 10, 1836. Answers protest of Santa Anna in his letter of June 9, 1836. Niles' Register, LI, 191; Telegraph and Texas Register, October 4, 1836.

Jackson to Santa Anna, September 4, 1836. United States believes that nations have the right to change their governments as the people may dictate, and refuses to interpose in affairs of Mexico and Texas over the protest of Mexico. Niles' Register, LI, 336.

Lamar to Citizens of Santa Fé, April 14, 1840. Announces entry of Texas among the family of nations as a free Republic, invites people of Santa Fé to share blessings of liberty, and promises to send Commissioners to cement union between Texas and Santa Fé. House Journal, 5th Tex. Cong., Appendix, 148-150; Journal of Consultation, Address of Lamar to Citizens of Santa Fé, 12-14.

Lipscomb to Hamilton and Burnley, July 7, 1840. Discusses relations between Mexico and Texas and between Mexico and Yucatan. House Journal, 5th Tex. Cong., Appendix, 281-284.

Santa Anna to Houston, November 5, 1836. Urges importance of Santa Anna going in person to Washington to secure the mediation of the United States in settlement of boundary question between Mexico and Texas. Niles' Register, LXII, 115; The Red-Lander (San Augustine, Texas), April 14, 1842 (extract).

Wright to Lamar, March 18, 1841 (extract). Makes charge against Houston for acceptance of a bribe for the release of Santa Anna. The Red-Lander, September 29, 1842.

Arista to Lamar, April 21, 1841. States that the expedition which is to set out from the Rio Grande is for the purpose of punishing the Indians, and not intended to attack the Texans. Quarterly of the Texas State Historical Association, VII, 173-174.

Lamar to Inhabitants of Santa Fé, and other portions of Mexico East of the Rio Grande River, June 5, 1841. Calls attention to his letter of April 14, 1840, repeats invitation then given, explains advantages of a union between Texas and Santa Fé region, and announces appointment of commissioners to effect this union. Journal of Consultation, Address of Lamar to Citizens of Santa Fé, 3-12.

Bee to Santa Anna, December 27, 1841. Does not believe that Texas can be conquered by Mexico, as the people of the Mississippi will give Texas aid, and hopes that Santa Anna will treat well the prisoners taken in the Santa Fé expedition. Mexico in 1842, p. 215; Niles' Register, LXII, 49; Telegraph and Texas Register, March 23, 1842.

Hamilton to Santa Anna, January 13, 1842. Hamilton is commissioned by Texas to treat with Mexico for the recognition of Texan independence. Proposes peace on condition of an indemnity of \$5,000,000 to be paid by Texas to Mexico. Mexico in 1842, p. 220; Niles' Register, LXII, 50; Telegraph and Texas Register, March 23, 1842; Austin City Gazette, March 30, 1842.

Santa Anna to Bee, February 6, 1842. Thanks Bee for past favors. Mexico must keep Texas. A freak of fortune alone has given Texas a victory. The prisoners taken will be treated according to generally recognized principles. Mexico in 1842, p. 216; Niles' Register, LXII, 50; Telegraph and Texas Register, March 23, 1842.

Santa Anna to Hamilton, February 18, 1842. Hamilton, as a citizen of the United States, has no right to treat in behalf of Texas. Mexico has won many victories in the past over Texas, and has suffered a single defeat. Five million dollars too small an indemnity. Texan brutalities. Expresses personal gratitude to Houston. To acknowledge Texan independence would be to sacrifice Mexico's noble stand on slavery. Mexico in 1842, p. 221; Niles' Register, LXII, 50; Telegraph and Texas Register, March 23, 1842; Austin City Gazette, March 30, 1842.

Hamilton to Santa Anna, March 21, 1842. Santa Anna abhors people to whom he owes his life. Mexico's violation of her agreement with colonists' was one cause of the revolution. Mexico's only victory was the Alamo. Defies Santa Anna. Mexico in 1842, p. 227; Telegraph and Texas Register, April 13, 1842.

Houston to Santa Anna, March 21, 1842 (extract). Defends the Texan conduct of the revolution, particularly the treatment of Santa Anna. Justifies the Santa Fé expedition. States future attitude of Texas toward Mexico. Niles' Register, LXII, 98.

Somervell to Jones, March 25, 1842. Somervell has taken charge of troops, and reports dissatisfaction among them. Jones, Memoranda and Official Correspondence, 172-173.

Daingerfield to Jones, April 1, 1842. Texan blockade of Mexican ports. Jones, Memoranda and Official Correspondence, 201.

Daingerfield to Jones, April 15, 1842. Daingerfield's efforts to co-operate with H. Washington in preparation for a descent upon Mexican coast. Jones, Memoranda and Official Correspondence, 201-203.

Houston to Somervell, October 3, 1842. Orders concentration of such troops as are willing to invade Mexico upon the southwestern boundary, and invasion of Mexico in case prospects for success offer. House Journal, 7th Tex. Cong., Appendix, 3-4.

Hamilton to Somervell, October 13, 1842. Orders Somervell to proceed to southwestern frontier, to organize troops, to move with secrecy, and to invade Mexico if success seem probable. House Journal, 7th Tex. Cong., Appendix, 5-6.

Somervell to Hamilton, November 7, 1842. Reports progress in organization of troops. House Journal, 7th Tex. Cong., Appendix, 10-11.

Hamilton to Somervell, November 9, 1842. Gives method of securing supplies for troops. House Journal, 7th Tex. Cong., Appendix, 6.

Somervell to Houston, November 14, 1842. Reports progress in organizing troops and gives information as to location of Mexican troops on border and disposition of Texan prisoners. House Journal, 7th Tex. Cong., Appendix, 11-12.

Hamilton to Somervell, November 19, 1842. Regrets poor organization and discipline of the troops, repeats orders to enlist none but those willing to invade Mexico, and urges energetic action. House Journal, 7th Tex. Cong., Appendix, 7-9.

Hamilton to Somervell, November 21, 1842. Urges prompt but cautious advance in order to avoid surprise, and directs disposition of supplies in case troops are disbanded. House Journal, 7th Tex. Cong., Appendix, 9-10.

Somervell to Hill, February 1, 1843. Gives detailed account of his invasion of Mexico. House Journal, 9th Tex. Cong., Appendix, 70-75; Telegraph and Texas Register, February 22, 1843.

Hill to Hockley and Williams, September 26, 1843. Instructions for arrangement of armistice with Mexico through the mediation of Great Britain. The Red-Lander, June 1, 1844.

CORRESPONDENCE WITH YUCATÁN.

Moore to Cooke, August 28, 1840. Reports his movements from July 22-August 28, 1840. House Journal, 5th Tex. Cong., Appendix, 232-237.

Peraza to Roberts, September 16, 1841. Santa Anna is preparing to invade Yucatán by land and by sea. Asks that Texas send two or three of her vessels to aid in repelling the Mexican squadron. Offers pecuniary inducements. Moore, To the People of Texas, 15-17.

Roberts to Peraza, September 17, 1841. Texas will aid Yucatán. Accepts Peraza's proposals with some modifications. Moore, To the People of Texas, 17-19.

Peraza to Roberts, September 17, 1841. The proposals as modified by Roberts are accepted. Adds one article and asks that it be accepted. Moore, To the People of Texas, 19-20.

Archer to Moore, September 18, 1841. Moore is to keep three vessels in readiness for sea. The Government of Yucatán will furnish him with \$8,000 each month. Secret orders inclosed. Moore, To the People of Texas, 12-13.

Archer to Moore, September 18, 1841. Secret orders. He is to sail for Sisal, capture the enemy's vessels if possible, and co-operate with the forces of Yucatán generally. Moore, To the People of Texas, 13-15.

Roberts to Peraza, September 18, 1841. A number of Texan vessels have been ordered to proceed to Sisal. Moore, To the People of Texas, 20-21.

Moore to Lemus, January 8, 1842. Is at Sisal with one ship and two schooners ready to carry out the treaty on the part of Texas. Moore, To the People of Texas, 25.

Lemus to Moore, January 8, 1842. The governor will receive him on Monday. Moore, To the People of Texas, 25.

Moore to Rejón, January 10, 1842. Is surprised that Yucatán has entered into a treaty with the Central Government of Mexico. Moore, To the People of Texas, 26-27.

Rejón to Moore, January 12, 1842. The treaty with Mexico should surprise no one. Yucatán has not renounced her right to be incorporated in the Mexican Union. Moore, To the People of Texas, 27-29.

Gray to the Mexican and Yucatán commissioners, January 12, 1842. Fearing for the safety of Commodore Moore he will detain them as hostages. Moore, To the People of Texas, 31.

Gray to Moore, January 12, 1842. Has deemed it advisable to detain the commissioners of Mexico and Yucatán as hostages. Moore, To the People of Texas, 30.

Rejón to Moore, January 12, 1842. The commander of the Texan vessel *Austin* took the Mexican and Yucatán commissioners prisoners. Demands that they be set at liberty. Moore, To the People of Texas, 32.

Moore to Rejón, January 14, 1842. Has never doubted the right of Yucatán to dispose of her political and natural rights as she may deem proper. Leaves for Sisal to-day. Moore, To the People of Texas, 29-30.

Moore to Rejón, January 15, 1842. Regrets that the Mexican and Yucatán commissioners were detained; has ordered that they be set at liberty. Moore, To the People of Texas, 32-33.

Rejón to Moore, January 18, 1842. Incloses a copy of a decree of the Congress of Yucatán, October 25, 1841, relative to Peraza's instructions; copy of agreement made by Yucatán with Texas, September 18, 1841; and copy of convention with Mexico, December 28, 1841, for the reunion of Mexico and Yucatán. Moore, To the People of Texas, 33-34.

Moore to Rejón, January 31, 1842. Has received his letter of January 18, 1842; Yucatán should have a flag so that her vessels would not be molested by the Texan warships. Moore, To the People of Texas, 35.

Moore to Lemus, February 25, 1842. Requests that \$8,000 be placed in his hands as per the agreement. Has been cruising near Vera Cruz. Moore, To the People of Texas, 37.

Lemus to Moore, February 26, 1842. An order has been issued for the payment of the \$8,000. Moore, To the People of Texas, 38.

Moore to Cárdenas, March 7, 1842. The rumor that Texas will make war on Yucatán vessels is unfounded. Moore, To the People of Texas, 38-39.

Moore to Celerayan, March 7, 1842. The rumor that Texas will make war on Yucatán vessels is unfounded. Moore, To the People of Texas, 39-40.

Cárdenas to Moore, March 7, 1842. The rumor that Texas would make war on Yucatán vessels was not credited by the Government of Yucatán. Moore, To the People of Texas, 40-41.

Celerayan to Moore, March 7, 1842. No credit has been given to the rumor that Moore's acts were to be hostile to Yucatán. Moore, To the People of Texas, 41.

Moore to Lemus, March 8, 1842. Arrived at Campeche on March 6. The rumors that his acts were to be hostile to Yucatán were spread to injure his reputation. Moore, To the People of Texas, 41-42.

Lemus to Moore, March 18, 1842. The governor is gratified at the contents of Moore's letter of March 8. The rumor was never credited. Moore, To the People of Texas, 43.

Moore to Lemus, March 28, 1842. Will cruise a few days before Vera Cruz; received \$6,000 from the collector at Carmen. Moore, To the People of Texas, 52-53.

Lemus to Moore, March 29, 1842. Serves notice that the Government of Yucatán is willing for Moore to withdraw with the squadron under his command. Moore, To the People of Texas, 53-54.

Moore to Lemus, April 19, 1842. Regrets the determination of the Government of Yucatán as expressed in the matter of the withdrawal of the squadron. Moore, To the People of Texas, 54-55.

Lemus to Moore, April 22, 1842. The accounts have been adjusted with Mr. Seeger. Moore, To the People of Texas, 55.

Moore to Lemus, April 24, 1842. Sails for Campeche in an hour. Moore, To the People of Texas, 56.

Moore to Cárdenas, April 25 [?], 1842. Will give the necessary orders for the safety of the vessels mentioned in his letter of April [26]? Moore, To the People of Texas, 58.

Moore to Lemus, April 26, 1842. Regrets that the monthly payments will be suspended. Texas has proven her friendship to Yucatán. Moore, To the People of Texas, 59.

Cárdenas to Moore, April 26, 1842. The flag of Mexico is still the flag of Yucatán. Names several schooners that fly this flag and hopes they will not be molested. Moore, To the People of Texas, 56-58.

Moore to Lemus, May 26, 1842. Captain Seeger will visit Mérida to settle for the money still due Texas. Moore, To the People of Texas, 76.

De Llergo to Moore, June 8, 1842. Incloses a copy of the official communication addressed to Mr. Seeger. Moore, To the People of Texas, 76-77.

Moore to Cárdenas, January 16, 1843. Incloses a letter for the governor. Moore, To the People of Texas, 121.

Moore to the governor of Yucatán, January 17, 1843. Asks for \$8,000 so that he can refit and attack the common enemy. Moore, To the People of Texas, 119-121.

Barbachano to Moore, January 31, 1843. Mr. Peraza is fully authorized on the subject of Moore's letter of January 16. The pecuniary aid will be given as soon as Peraza arrives in New Orleans. Moore, To the People of Texas, 122.

Mendez to Moore, February 3, 1843. Peraza has already sailed with the \$8,000. Moore, To the People of Texas, 122-124.

Cárdenas to Moore, February 5, 1843. Has complied with Moore's request of January 16, and placed the letter in the hands of the governor. Moore, To the People of Texas, 124.

Moore to Mendez, February 23, 1843. Received his communication of January 27, 1843. Had concluded an agreement with Peraza a few days before. Moore, To the People of Texas, 128-129.

Moore to Barbachano, February 24, 1843. Has concluded an agreement with Peraza. Moore, To the People of Texas, 129.

Houston to Morgan and Bryan, March 23, 1843. Authorizes Morgan and Bryan to secure possession of national vessels, equipments, etc., to call upon the United States in case of resistance, and to deprive E. W. Moore of the command which he has held contrary to orders since October 29, 1842. The Morning Star, June 13, 1843.

Moore to Barbachano, April 28, 1843. Informs him of his arrival at Sisal. Moore, To the People of Texas, 148.

Barbachano to Moore, May 1, 1843. Glad Moore has arrived. The Yucatán Government has ordered a renewal of hostilities with Mexico. Moore, To the People of Texas, 148.

Moore to Barbachano, May 15, 1843. Thinks he should have been consulted in the making of the treaty of capitulation, since it stipulates that he is not to attack transport vessels. Moore, To the People of Texas, 157-158.

Barbachano to Moore, May 20, 1843. Moore's objection to the treaty is well founded but it was entered into to free Yucatán of the capitulating forces. Moore, To the People of Texas, 158-159.

Moore to Mendez, May 22, 1843. Asks for the services of a vessel. Moore, To the People of Texas, 163.

Mendez to Moore, May 22, 1843. The schooner *Independencia* will be placed under his orders. Moore, To the People of Texas, 167.

Moore to Mendez, May 26, 1843. Would like to use the *Independencia* for another cruise. Moore, To the People of Texas, 163-164.

Mendez to Moore, May 26, 1843. Has no objection to his using the *Independencia*. Moore, To the People of Texas, 164.

Moore to Barbachano, June 1, 1843. Requests him to remit the balance of the \$8,000 that was due on May 30. Moore, To the People of Texas, 166.

Barbachano to Moore, June 24, 1843. The Government of Yucatán will pay the rest of the \$8,000, but thereafter can pay no more. Moore, To the People of Texas, 167-168.

Moore to Barbachano, June 27, 1843. Has drawn on him for \$300. Moore, To the People of Texas, 176.

Moore to Barbachano, June 28, 1843. Leaves for Sisal to get the \$2,000 that is still due him. Should Yucatán be again involved in war it will be a pleasure to come to her aid again. Moore, To the People of Texas, 177.

Moore to Barbachano, June 30, 1843. In consequence of President Houston's proclamation, is anxious to get back to Texas. Asks for an order for \$2,000. Moore, To the People of Texas, 177.

Barbachano to Moore, July 6, 1843. Moore's brother has received \$1,700 which with the \$300 previously received clears the debt. Moore, To the People of Texas, 178.

CORRESPONDENCE WITH GREAT BRITAIN.

Irion to Henderson, August 3, 1837 (extract). Captain Thompson of the *Invincible* transcended his orders in capturing the *Eliza Russell*. Henderson is to make a candid statement to the English Government and express the regrets of the Texan Government. Report House Committee on Foreign Relations, 4th Tex. Cong., 5-6.^a

Certificate of Carpizo, August 11, 1837. The affair of the *Little Penn* and the capture of the *Eliza Russell*. Report House Committee on Foreign Relations, 4th Tex. Cong., 16-17; copy inclosed with Henderson to Irion, November 5, 1837.

Henderson to Palmerston, October [26], 1837. Apologizes for the seizure and detention of the *Eliza Russell*. Report House Committee on Foreign Relations, 4th Tex. Cong., 13; copy inclosed with Henderson to Irion, November 5, 1837.

Palmerston to Henderson, October 31, 1837. Has received Henderson's of the 26th. Report House Committee on Foreign Relations, 4th Tex. Cong., 14; copy inclosed with Henderson to Irion, November 5, 1837.

Henderson to Irion, November 5, 1837 (extract). Incloses copies of correspondence with Palmerston concerning the *Eliza Russell* claims. Report House Committee on Foreign Relations, 4th Tex. Cong., 13-14.

^a This report contains, besides the letters calendared, considerable matter not belonging to the Diplomatic Correspondence, but nevertheless pertinent to the British claims. Only one copy of it, so far as I have been able to learn, is in existence, and that belongs to Mr. Richard Burgess of El Paso, Tex., who has kindly lent it to the editor to use in preparing this volume.

Protest of Joseph Russell and others, December 2, 1837 (extract). The capture and detention of the *Eliza Russell*. Statement of the claim and description of various documents submitted to sustain it. Report House Committee on Foreign Relations, 4th Tex. Cong., 20-23; copy inclosed with Tolme to Palmerston, December 20, 1837.

Tolme^a to Palmerston, December 20, 1837. Transmits extracts from the protest of Joseph Russell relative to the capture of the *Eliza Russell*. Report House Committee on Foreign Relations, 4th Tex. Cong., 20-23.

Lizardi & Co. to Palmerston, January 5, 1838. Gives an account of the seizure of goods carried by the *Little Penn*. Report House Committee on Foreign Relations, 4th Tex. Cong., 15-16; copy inclosed with Palmerston to Henderson, January 24, 1838.

Palmerston to Henderson, January 24, 1838 (extract). Transmits copy of a letter from Lizardi & Co. with statement of property seized on the *Little Penn*. British Government can not doubt, since Henderson's letter of October 26, that the Texan authorities will order immediate restitution. Report House Committee on Foreign Relations, 4th Tex. Cong., 14; copy inclosed with Henderson to Irion, January 30, 1838.

Henderson to Palmerston, January 25, 1838. Has received Palmerston's of January 24; but, being without instructions on the subject, can only transmit them to his Government. Report House Committee on Foreign Relations, 4th Tex. Cong., 18; copy inclosed with Henderson to Irion, January 30, 1838.

Henderson to Irion, January 30, 1838. Incloses correspondence with Palmerston as to damages in the case of the *Little Penn*. Does not regard the claim as just, but suggests necessity for prompt attention to it. Report House Committee on Foreign Relations, 4th Tex. Cong., 14-18.

Palmerston to Henderson, February 19, 1838. Transmits documents relative to the case of the *Eliza Russell*. Report House Committee on Foreign Relations, 4th Tex. Cong., 19; copy inclosed with Henderson to Irion, March 8, 1838.

Henderson to Palmerston, February 20, 1838. Acknowledges receipt of Palmerston's of the 19th with accompanying documents; will transmit them to his Government for advice. Report House Committee on Foreign Relations, 4th Tex. Cong., 23; copy inclosed with Henderson to Irion, March 8, 1838.

Henderson to Irion, March 8, 1838. Transmits Palmerston to Henderson of February 19, 1838, with inclosures. Seizure of the *Eliza Russell* legal. Admissions obtained from Palmerston. Report House Committee on Foreign Relations, 4th Tex. Cong., 19-26.

Irion to Henderson, May 20, 1838 (extract). The Texan Government has never authorized nor sanctioned violations of neutrality by its officers. The evidence of illegal seizure in the case of the *Little Penn* is not satisfactory. The appointment of an English agent in Texas would greatly facilitate the adjustment of private claims. Report House Committee on Foreign Relations, 4th Tex. Cong., 6-7.

Irion to Henderson, June 6, 1838 (extract). Congress has made no appropriation to pay the *Eliza Russell* claim. Texan Government not disposed to reject just claims, but it will be difficult to adjust them without a resident English agent. Report House Committee on Foreign Relations, 4th Tex. Cong., 7.

Palmerston to Henderson, August 24, 1838. Refers to correspondence concerning the *Little Penn* and *Eliza Russell* claims and asks what has been done to fulfill the promises made. Report House Committee on Foreign Relations, 4th Tex. Cong., 27; copy inclosed with Henderson to Irion, September 5, 1838.

Statement of Captain Russell's claim, September [1], 1838. Report House Committee on Foreign Relations, 4th Tex. Cong., 44; copy inclosed with Swain, Stevens & Co. to Arrangoiz, Droosten & Co.,^b December 12, 1838.

^a Improperly given as "Tolene" in the printed copy.

^b Printed as "Arranquiz, Drooster, & Co."

Henderson to Palmerston, September 3, 1838. Acknowledges receipt of Palmerston's communication of August 24. Defends the condemnation of the *Abispa* and denies that the *Brutus* took any goods from the *Little Penn*. The President recommended to Congress an appropriation to pay the *Eliza Russell* claims, and it failed only because the owner failed to appear personally, or by his authorized agent, to fix the sum justly due. Report House Committee on Foreign Relations, 4th Tex. Cong., 28-30; copy inclosed with Henderson to Irion, September 5, 1838.

Henderson to Irion, September 5, 1838. Recites correspondence with Irion relative to the *Little Penn* claims and sends copies of correspondence with Palmerston on that subject. Complains of the unsatisfactory nature of the evidence furnished him by the Texan Government. Less difficulty in dealing with the case of the *Eliza Russell*. Report House Committee on Foreign Relations, 4th Tex. Cong., 26-31.

Henderson to Irion, October 28, 1838 (extract). Prays to be furnished immediately with more definite information concerning the British claims. Report House Committee on Foreign Relations, 4th Tex. Cong., 32.

Backhouse to [Swain, Stevens & Co.], November 1, 1838. Summarizes the history of the *Eliza Russell* claim. Report House Committee on Foreign Relations, 4th Tex. Cong., 42; copy inclosed with Swain, Stevens & Co. to Arrangoiz, Droosten & Co., December 12, 1838.

Adam to [Nash], November 20, 1838. Has seen Mr. Backhouse relative to the *Eliza Russell* claims and will communicate whatever he may say. Report House Committee on Foreign Relations, 4th Tex. Cong., 42; copy inclosed with Swain, Stevens & Co. to Arrangoiz, Droosten & Co., December 12, 1838.

Adam to [Nash], November 21, 1838. Mr. Backhouse states that the case of the *Eliza Russell* is still before the Queen's advocate. Report House Committee on Foreign Relations, 4th Tex. Cong., 43; copy inclosed with Swain, Stevens & Co. to Arrangoiz, Droosten & Co., December 12, 1838.

Adam to Nash, November 25, 1838. Has communicated the letter received yesterday to Mr. Backhouse, who replied that he hoped soon to be able to give information in regard to the *Eliza Russell*. Report House Committee on Foreign Relations, 4th Tex. Cong., 43; copy inclosed with Swain, Stevens & Co. to Arrangoiz, Droosten & Co., December 12, 1838.

Irion to Henderson, November 28, 1838 (extract). Henderson's course as to the British claims for indemnity approved. He is authorized to settle the *Eliza Russell* claims for any amount up to the £865 demanded. The Texan Government is convinced the Mexicans got most of the goods from the *Little Penn*. The Government is not disposed to evade any just claims for indemnity. Report House Committee on Foreign Relations, 4th Tex. Cong., 8-10.

Backhouse to Swain, Stevens & Co., December [1], 1838. In reply to theirs of November 28, sends a letter from Palmerston to Shields, British consul at Laguna, directing him to assist Captain Russell in the case against him at that place. Report House Committee on Foreign Relations, 4th Tex. Cong., 43; copy inclosed with Swain, Stevens & Co. to Arrangoiz, Droosten & Co., December 12, 1838.

Swain, Stevens & Co. to Arrangoiz, Droosten & Co., December 12, 1838. Asks Arrangoiz, Droosten & Co. to write to agents of the *Eliza Russell* claims at New Orleans directing them to urge the settlement of the claims. Report House Committee on Foreign Relations, 4th Tex. Cong., 41-44; copy inclosed with Vogelsgang & Co. to Webb, April 16, 1839.

Henderson to Secretary of State [Bee], January 26, 1839 (extract). Calls attention again to the British Claims. Report House Committee on Foreign Relations, 4th Tex. Cong., 33.

Henderson to Bee, March 10, 1839 (extract). Hopes to be able to settle the claims with the British Government soon. Report House Committee on Foreign Relations, 4th Tex. Cong., 32.

Irion to Henderson, March 20, 1839 (extract). A claim for indemnity in the case of the *Eliza Russell* has been made on the Texan Government. Its justice has been acknowledged by the president, who has promised to recommend payment. Report House Committee on Foreign Relations, 4th Tex. Cong., 6.

Vogelgsang^a & Co. to Webb, April 16, 1839. Have had no answer to requests made for the settlement of the *Eliza Russell* claims through Thomas Toby and others. Inclose correspondence concerning the claims. Report House Committee on Foreign Relations, 4th Tex. Cong., 40-44.

Crawford to Webb, April 17, 1839. Asks on behalf of G. Vogelgsang & Co., agents for the owner of the *Eliza Russell*, attention to his claims. Report House Committee on Foreign Relations, 4th Tex. Cong., 40-44.

Jones to Hughes, April 24, 1839. Appreciates his interest in Texas; thinks he can do much in England and France to secure the recognition of Texas. Incloses a memorandum of Texas. Jones, Memoranda and Official Correspondence, 148-151.

Hughes to Jones, June 10, 1839 (extract). Incloses a letter from Hughes to Palmerston on behalf of Texas. Texas will soon be accorded recognition. Jones, Memoranda and Official Correspondence, 151.

Hughes to Palmerston, June 10, 1839. Incloses Jones's Memorandum on Texas. Jones, Memoranda and Official Correspondence, 151-152; copy inclosed in Hughes to Jones, June 10, 1839.

Palmerston to Hughes, June 10, 1839. Thanks him for his letter on Texas; the subject is important but difficult. Jones, Memoranda and Official Correspondence, 152; copy inclosed with Hughes to Jones, June 10, 1839.

Hughes to Jones, June 10, 1839, midnight. Incloses Palmerston's letter of June 10, 1839. Believes Texas will soon be recognized by England. Jones, Memoranda and Official Correspondence, 152-153.

Burnet to Crawford, June 14, 1839. Acknowledges receipt of Crawford's letter of April 17 concerning the *Eliza Russell* claims. Excuses the former admissions of the Texan Government and argues against the justice of the claims. Congress will meet in November, and the subject will be presented to it again. Report House Committee on Foreign Relations, 4th Tex. Cong., 11-12.

Burnet to Henderson, June 16, 1839 (extract). Sends copy of a letter addressed by Burnet to the British consul at New Orleans relative to the *Eliza Russell* claims, which have risen to double the amount originally demanded. Report House Committee on Foreign Relations, 4th Tex. Cong., 10-12.

Palmerston to Henderson, October 23, 1839. States the amount of the *Eliza Russell* and *Little Penn* claims and refers to the promise by the Texan authorities to settle the first. The British Government would be justified in sending a ship of war to Texas to enforce payment of the claims, but wishes to try one more application through Henderson. Report House Committee on Foreign Relations, 4th Tex. Cong., 33-34; copy transmitted with McIntosh to Secretary of State, November 12, 1839.

Palmerston to Henderson, October 23, 1839. Asks relief for certain British subjects, claiming lands in Texas. Report House Committee on Foreign Relations, 4th Tex. Cong., 35; Telegraph and Texas Register, October 18, 1843; The Morning Star (Houston), October 14, 1843; copy transmitted with McIntosh to Secretary of State, November 12, 1839.

Henderson to Palmerston, October 30, 1839. Acknowledges receipt of both Palmerston's communications of the 23rd. Discusses the *Eliza Russell* claim and the land claims of certain British subjects. Report House Committee on Foreign Relations, 4th Tex. Cong., 36-38; Journal and Advertiser (San Augustine, Tex.), June 11, 1840; Telegraph and Texas Register, October 18, 1843 (extract); The Morning Star, October 14, 1843 (extract); copy transmitted with McIntosh to Secretary of State, November 12, 1839.

^a Mutilated by the printer into Vogleraug.

McIntosh to Secretary of State [Burnet], November 12, 1839. Henderson has left the business of the legation in McIntosh's hands. Incloses correspondence with British Government concerning claims against Texas. Existing Government too fearful of offending O'Connell and the Abolitionists to extend recognition to Texas. Report House Committee on Foreign Relations, 4th Tex. Cong., 33-39.

McGregor to President of Texas, December 26, 1839. Commander Ramsey has been ordered to support Commander Hamilton in his mission to Texas to recover certain "British negroes" supposed to be held in slavery in Texas. House Journal, 5th Tex. Cong., Appendix, 19.

McGregor to President of Texas, December 26, 1839. Asks aid for Commander Hamilton, of the British navy, in identifying and recovering certain negroes, subjects of Great Britain, alleged to be held in slavery in Texas. House Journal, 5th Tex. Cong., Appendix, 19-20.

Burnet to Hamilton, January 29, 1840. Professes ignorance of any negroes, British subjects, held in slavery in Texas, but promises assistance if such can be identified. House Journal, 5th Tex. Cong., Appendix, 22-23.

Lipscomb to Hamilton, February 14, 1840. Incloses Proclamation concerning negroes, British subjects alleged to be held in slavery in Texas. House Journal, 5th Tex. Cong., Appendix, 23-24.

Hamilton to Lipscomb, February 25, 1840 (extract). Asks for commission to treat with Belgium for recognition, and hopes for aid from France in securing a loan in Europe. House Journal, 5th Tex. Cong., Appendix, 284-285.

Hamilton to Lipscomb, February 27, 1840. Demands delivery of negro "John", a British subject alleged to be held in slavery in Texas, and incloses statement as to present ownership of said negro. House Journal, 5th Tex. Cong., Appendix, 20-21.

Lipscomb to Hamilton, March 31, 1840. Declares that question as to ownership of a certain negro, if found to be a slave, must take usual course of law, but if proved to be a British subject will be delivered to proper authorities. House Journal, 5th Tex. Cong., Appendix, 24-25.

Hamilton to Lipscomb, April 21, 1840. Acknowledges receipt of letter from Lipscomb, March 31, 1840. House Journal, 5th Tex. Cong., Appendix, 21-22.

Hamilton to Lipscomb, April 21, 1840. Reports success in mission of identifying and recovering negroes, subjects of Great Britain, alleged to be held in slavery in Texas. House Journal, 5th Tex. Cong., Appendix, 22.

Hamilton to Lipscomb, June 3, 1840. Reports prospects for loan bright; reports chartering of vessels by Mexico in Great Britain for attack on Texas. House Journal, 5th Tex. Cong., Appendix, 285-286.

Lipscomb to Hamilton, June 6, 1840. Revokes instructions for purchase of arms, munitions, etc., in Great Britain and France. House Journal, 5th Tex. Cong., Appendix, 280-281.

Palmerston to Hamilton, October 18, 1840.^a England is ready to enter into a commercial treaty with Texas and to recognize her on condition that Texas shall assist in suppressing the African slave trade. Incloses draft of a convention. Telegraph and Texas Register, January 12, 1842; copy inclosed with Hamilton to Lipscomb, January 4, 1841.

Hamilton to Palmerston, October 20, 1840. Acknowledges receipt of Palmerston's letter of October 18, 1840, and the draft of a convention. With some slight changes, he is ready to sign it. Telegraph and Texas Register, January 12, 1842; copy inclosed with Hamilton to Lipscomb, January 4, 1841.

Palmerston to Hamilton, November 5, 1840. The signing of the treaty will have to be postponed a week. Colorado Gazette and Advertiser (Matagorda), January 23, 1841; House Journal, 5th Tex. Cong., Appendix, 382-383.

^a A few lines at the beginning of the letter were omitted in printing it.

Hamilton to Lamar, November 6, 1840. The preliminary articles of a treaty of recognition, amity, and commerce have been agreed upon. Incloses a copy of Palmerston's note of November 6, 1840. Colorado Gazette and Advertiser, January 23, 1841; House Journal, 5th Tex. Cong., Appendix, 381-382.

Hamilton to Jones, November 6, 1840 (extract). Has procured the recognition of Texas by England. Jones, Memoranda and Official Correspondence, 156.

Smith to Jones, June 8, 1842. The ratifications of the treaty have not yet been exchanged. The sympathies of England are for Mexico and against Texas. Jones, Memoranda and Official Correspondence, 182-184.

Teulon to Jones, June 25, 1842. Is still in London and without money. Has not faith in the ministry; it favors Mexico. Jones, Memoranda and Official Correspondence, 189-190.

Smith to Jones, July 10, 1842 (extract). Texan bonds in England. Incloses note from G. Shaw to Thos. Wilson & Co. Telegraph and Texas Register, February 22, 1843.

Elliot to Jones, September 30, 1842. Urges the claims of certain British subjects to lands in Texas. Telegraph and Texas Register, April 3, 1844. The Morning Star, April 2, 1844.

Jones to Elliot, December 24, 1842 (extract). The claims of the British subjects for lands in Texas will be presented to Congress. Telegraph and Texas Register, April 3, 1844; the Morning Star, April 2, 1844.

Jones to Smith, January 31, 1843. Smith is to make representations to the governments of France and Great Britain relative to the predatory warfare carried on by Mexico. Telegraph and Texas Register, June 21, 1843.

Elliot to Jones, February 4, 1843. Presents the claims of Beales and others to lands in Texas. The Morning Star, April 2, 1844; Telegraph and Texas Register, April 3, 1844.

Jones to Elliot, February 16, 1843. Has received his communications of January 17, 1843, and February 4, 1843. Desires a personal interview with Elliot. The Morning Star, April 9, 1844; Telegraph and Texas Register, April 10, 1844.

Jones to Smith, June 10, 1843. The relations of Texas with Mexico. The Red-Lander, April 20, 1844; Telegraph and Texas Register, November 13, 1844 (extract). Duplicate sent to Van Zandt.

Elliot to Jones, July 7, 1843. Is without authority to appoint a consul at Corpus Christi. Jones, Memoranda and Official Correspondence, 226-227.

Smith to Aberdeen, August 1, 1843. The persons working in London for the abolition of slavery in Texas are not recognized by the Texas government. Niles' Register, LXVI, 97; copy in Smith to Jones, September 20, 1843.

Smith to Jones, August 2, 1843. The abolition of slavery is the avowed purpose of the English Government. Jones, Memoranda and Official Correspondence, 236-237. Elliot to Jones, August 17, 1843. The claims for the *Eliza Russell* should be adjusted. Jones, Memoranda and Official Correspondence, 246-247.

Elliot to Jones, August 17, 1843 (extract). Hopes the President will make a representation to Congress relative to the land claims of certain British subjects. The Morning Star, April 9, 1844; Telegraph and Texas Register, April 10, 1844.

Elliot to Jones, August 17, 1843. Urges settlement of *Eliza Russell* claims. Jones, Memoranda and Official Correspondence, 246-247.

Elliot to Jones, August 28, 1843. Believes General Houston will accede to the proposition of Santa Anna relative to the exchange of prisoners. Jones, Memoranda and Official Correspondence, 248.

Kennedy to Jones, September 4, 1843. Thanks him for his communication of August 20, 1843. Jones, Memoranda and Official Correspondence, 249.

Jones to Elliot, September 11, 1843. Glad that he has been able to settle the claim for the *Eliza Russell*, Relations with Mexico. Jones, Memoranda and Official Correspondence, 250-253.

Aberdeen to Smith, September 11, 1843. Acknowledges Smith's note of August 1. Her Majesty's Government has no intention of interfering in the internal affairs of Texas, but wishes to see slavery abolished throughout the world and is not surprised that private individuals should do their best to attain an object so desirable. Niles' Register, LXVI, 97; copy in Smith to Jones, September 20, 1843.

Elliot to Jones, September 14, 1843. Thanks him for his prompt attention to the case of the *Eliza Russell*. Jones, Memoranda and Official Correspondence, 256.

Green to Elliot, November 6, 1843. Requests copies of certain letters. Green, Texan Expedition against Mier, 456; Telegraph and Texas Register, December 13, 1843; The Morning Star, December 12, 1843.

Elliot to Green, November 7, 1843. Declines his request for copies of certain letters. Green, Expedition against Mier, 456; Telegraph and Texas Register, December 13, 1843; The Morning Star, December 12, 1843.

Green to Elliot, November 7, 1843. States reasons for applying for copies of certain letters on November 6, 1843. Green, Expedition against Mier, 456-457; Telegraph and Texas Register, December 13, 1843; The Morning Star, December 12, 1843.

Kennedy to Jones, November 9, 1843. Pringles project for a colony in Texas. Jones, Memoranda and Official Correspondence, 269.

Aberdeen to Pakenham, December 26, 1843. Great Britain desires to see Texan Independence established, but with no occult designs. She wishes to see slavery abolished in Texas, but will not interfere unduly or improperly. Senate Docs., 28th Cong., 1st Sess., V (Serial No. 435), Doc. 341, pp. 48-49; Niles' Register, LXVI, 171; copy inclosed with Elliot to Jones, February 10, 1844.

Elliot to Jones, January 8, 1844. Has heard that Texas has settled her difficulties with Mexico; hopes for news of the release of the Texan prisoners. Jones, Memoranda and Official Correspondence, 301.

Elliot to Jones, February 10, 1844. Sends a copy of a despatch from Pakenham. Is persuaded that annexation is entirely out of the question. Jones, Memoranda and Official Correspondence, 307-308.

Jones to Elliot, March 18, 1844. Incloses a copy of the proposed armistice between Texas and Mexico, which can not be accepted. Jones, Memoranda and Official Correspondence, 327, 328.

Elliot to Jones, March 22, 1844. The British Government is engaged in an effort to procure the recognition of Texas by Mexico. Asks for explanations concerning the contemplated move for annexation. Green, Expedition against Mier, 483; Niles' Register, LXVIII, 35; The Red-Lander, June 15, 1844.

Elliot to Jones, March 22, 1844. Thanks him for his letter of February 16, 1844. Believes that annexation will be defeated in the United States Senate. Jones, Memoranda and Official Correspondence, 329-331.

Jones to Elliot, March 25, 1844. Gives the explanations requested by Elliot in his note of March 22, 1844. The Red-Lander, June 15, 1844.

Elliot to Jones, April 3, 1844. Believes the time very favorable for the mediation of France and England. Niles' Register, LXVI, 280; The Red-Lander, June 15, 1844; The Morning Star, June 8, 1844; Telegraph and Texas Register, June 12, 1844.

Smith to Jones, June 2, 1844 (extract). Lord Aberdeen remarked that he would say nothing more about slavery. The Red-Lander, August 31, 1844.

Kennedy to Jones, June 3, 1844. Received Jones's letters of May 2 and 19, 1844. Can not come to Washington. Jones, Memoranda and Official Correspondence, 357-359.

Elliot to Jones, undated (extract). Has informed British Government of Houston's determination to sustain the independence of the Republic, and supposes that Hender-

son's mission to the United States is to explain this position. The Morning Star, June 27, 1844.

Jones to Smith, September 30, 1844 (extract). The subject of abolition can not and will not be entertained by the Government of Texas. The Red-Lander, August 31, 1844.

Smith to Jones, December 24, 1844. Just arrived from Liverpool. Tells of interviews with Guizot and Aberdeen. Jones, Memoranda and Official Correspondence, 411-412.

Elliot to Allen, January 8, 1845. Asks for settlement of *Little Penn* claims, and incloses declaration of Thomas Hibbert, September 16, 1844, in support of said claim. Senate Journal, 9th Tex. Cong., extra sess., 62-64.

Elliot to Jones, January 14, 1845. General Green is singing another verse to the tune of British influence. Jones, Memoranda and Official Correspondence, 413-414.

Terrell to Jones, January 21, 1845. Has been in London nine days. Tells of an interview with Aberdeen. Jones, Memoranda and Official Correspondence, 415-417.

Terrell to Jones, February 2, 1845 (extract). Since his last despatch he has had two interviews with Aberdeen. Was assured that England had no desire to acquire Texas. Jones, Memoranda and Official Correspondence, 419-420.

Terrell to Jones, February 13, 1845. Has arrived at Paris from London; before leaving he had a conversation with Aberdeen who was rather cool, having heard that Jones favored annexation. Jones, Memoranda and Official Correspondence, 422-431.

Smith to Elliot, February 22, 1845. Denies validity of *Little Penn* claim on grounds that goods really belonged to Mexicans. Senate Journal, 9th Tex. Cong., extra sess., 64-67.

Jones to Aberdeen, March 31, 1845. It has been thought advisable to have Elliot go to Mexico. Jones, Memoranda and Official Correspondence, 475-476.

Elliot to Jones, April 3, 1845. The new government in Mexico adheres to the favorable disposition expressed by Santa Anna. Jones, Memoranda and Official Correspondence, 441.

Elliot to Jones, April 5, 1845. Will leave on the *Eurydice*. Jones, Memoranda and Official Correspondence, 443.

Smith to Jones, April 9, 1845. Fears that when it is known that he has been sent to Europe public opinion will become inflamed beyond control. Jones, Memoranda and Official Correspondence, 446-449.

Smith to Jones, April 14, 1845. Will proceed at once to Boston and embark for England where he will use every exertion to accomplish his mission. Jones, Memoranda and Official Correspondence, 451.

Elliot to Jones, April 21, 1845. The Government of Mexico has demanded of Congress the authority to treat with Texas. Jones, Memoranda and Official Correspondence, 452-453.

Smith to Jones, May 1, 1845. Arrived at Boston; leaves at once for England. His journey has caused much speculation in the United States. Jones, Memoranda and Official Correspondence, 456-457.

Elliot to Jones, June 12, 1845. The excitement in the United States may drive the Mexicans out of the humor of complying with the preliminaries of the treaty. Jones, Memoranda and Official Correspondence, 468-469.

Elliot to Jones, June 13, 1845. Should the present storm blow over, Texas can rely on the friendship of England. Implores Jones to preserve Texas. Jones, Memoranda and Official Correspondence, 470-471.

Elliot to Allen, June 13, 1845. Takes formal leave upon departing from Texas. Senate Journal, 9th Tex. Cong., extra sess., 67-68.

Allen to Smith, June 26, 1845. There is no doubt that annexation will be accomplished; recalls Smith. The Morning Star, August 16, 1845; Telegraph and Texas Register, August 20, 1845.

Terrell to Jones, July 25, 1845 (extract). Has just arrived from Liverpool. Jones, Memoranda and Official Correspondence, 481.

Elliot to Jones, January 4, 1846. Sends a copy of a despatch from Lord Aberdeen. Jones, Memoranda and Official Correspondence, 508.

CORRESPONDENCE WITH FRANCE.

Henderson to Jones, October 6, 1838. Had an interview with Count Molé relative to recognition. Jones, Memoranda and Official Correspondence, 133-135.

Henderson to Jones, October 28, 1838. Believes Texas will be recognized by France before March. He is not much concerned about a commercial arrangement. Jones, Memoranda and Official Correspondence, 135-137.

Henderson to Jones, November 12, 1838 (extract). The withdrawal of the annexation proposition has removed the one obstacle to the recognition of Texas by France and England. His proposition for a commercial arrangement will be accepted by the French King. Jones, Memoranda and Official Correspondence, 137-138.

Henderson to Jones, December 5, 1838 (extract). Thinks Texas should not allow vessels manned by free negroes to enter her ports. Jones, Memoranda and Official Correspondence, 138-139.

Henderson to Jones, December 28, 1838. Nothing of importance has transpired since his last. Jones, Memoranda and Official Correspondence, 144-145.

Henderson to Jones, June 20, 1839. The French King is anxious to recognize Texas provided Saligny's report is favorable. Pontois thinks that the question of slavery is influencing Great Britain to delay recognition. Jones, Memoranda and Official Correspondence, 146-147.

Soult to Hamilton, September 12, 1839. The Republic of France will facilitate the negotiation of the loan. Telegraph and Texas Register, February 16, 1842.

Henderson to Jones, September 27, 1839 (extract). Has completed the negotiation for the loan. Will leave for England in a few days. Jones, Memoranda and Official Correspondence, 147-148.

Hughes to Jones, March 24, 1840. Tells of his part in bringing about recognition by France. Jones, Memoranda and Official Correspondence, 153-155.

Guizot to Hamilton, March 31, 1841. Received his letter in which he recalls the promise of Marshall Soult. A guaranty of such a nature would have to be submitted to the Chambers. Doubts its passage. Telegraph and Texas Register, February 16, 1842.

Hamilton to Guizot, April 21, 1841. Regrets that the Government has withdrawn its guaranty of the loan. Telegraph and Texas Register, February 16, 1842.

Saligny to Jones, November 21, 1841 (extract). His Government has vindicated him of the charges against him and he is preparing to return to Texas. Jones, Memoranda and Official Correspondence, 173-174.

Saligny to Jones, December 6, 1841 (extract). Thinks the views of his Government relative to the charges against him are as conciliatory as those of Texas. Jones, Memoranda and Official Correspondence, 174-177.

Hamilton to Jones, March 2, 1842. Thinks that the Saligny affair should be kept open no longer. Jones, Memoranda and Official Correspondence, 177.

Jones to Smith, January 31, 1843. Smith is to make representations to the Governments of France and Great Britain relative to the predatory warfare carried on by Mexico. Telegraph and Texas Register, June 21, 1843.

Jones to Smith, June 10, 1843. See Calendar of Correspondence with Great Britain.

Hughes to Jones, November 24, 1843 (extract). Claims credit for securing recognition of Texan independence by France in 1839. Jones, Memoranda and Official Correspondence, 271-273.

Smith to Jones, January 29, 1844. Believes the best feelings are entertained for Texas both at Paris and London. Jones, Memoranda and Official Correspondence, 304-305.

Guizot to Saligny, August 1, 1844. Saligny is to discourage annexation as much as possible. Niles' Register, LXIX, 403.

Smith to Jones, November 14, 1844. Glad to hear of his election as President. Jones, Memoranda and Official Correspondence, 399-401.

Terrell to Jones, November 22, 1844 (extract). Saligny has received despatches from his Government on the subject of annexation. France will give the guaranty spoken of by Doctor Smith provided Texas will suspend annexation operations. Jones, Memoranda and Official Correspondence, 404-405.

Saligny to Jones, April 3, 1845 (extract). Has received cheering news from Mexico. Leaves for New Orleans soon. Jones, Memoranda and Official Correspondence, 443-444.

Saligny to Jones, May, 1845. The Deputies of Mexico have declared in favor of Texan independence by a vote of 41-43. Jones, Memoranda and Official Correspondence, 463-464.

DeCyprey to Jones, May 20, 1845. See Calendar of Correspondence with the United States in Part I.

Jones to DeCyprey, June 6, 1845. See Calendar of Correspondence with the United States in Part I.

CORRESPONDENCE WITH SPAIN.

Fisher to Jones, May 3, 1842. Gives news of movement of Spanish fleet in the Gulf of Mexico, and suggests that negotiations be opened with Spain for a treaty of commerce in order that she may not force the blockade. Jones, Memoranda and Official Correspondence, 195-196.

CORRESPONDENCE WITH BELGIUM.

Lipscomb to Hamilton and Burnley, April 18, 1840. Hamilton is authorized to negotiate a treaty of amity and commerce with Belgium. Relations between Great Britain and the United States, and status of affairs between Mexico and Texas. House Journal, 5th Tex. Cong., Appendix, 277-280.

CORRESPONDENCE WITH THE NETHERLANDS.

Hamilton to Lipscomb, June 6, 1840. Asks for power to treat with Belgium and Holland for the recognition of independence, and for commercial treaties. House Journal, 5th Tex. Cong., Appendix, 286.

Hamilton to Lipscomb, July 28, 1840. Reports progress of negotiations with the Netherlands for recognition preparatory to securing a loan, and discusses prospects for securing a loan in France or Great Britain. House Journal, 5th Tex. Cong., Appendix, 287-291.

Hamilton to Lipscomb, September 1, 1840. Reports on course of negotiations with the Netherlands for recognition, and discusses prospects for securing a loan in Europe. House Journal, 5th Tex. Cong., Appendix, 292-293.

CORRESPONDENCE WITH THE HANSE TOWNS.

Daingerfield to Jones, February 4, 1843. Has received information relative to the government of the Hanse Towns. Jones, Memoranda and Official Correspondence, 207-209.

Daingerfield to Jones, April 22, 1844. Sends greetings. For official information refers to despatches of the same date. Jones, Memoranda and Official Correspondence, 347-348.

Daingerfield to Jones, November 8, 1844. Congratulates Jones on his election to the Presidency. Has been counteracting Mexican influence in Hamburg. Jones, Memoranda and Official Correspondence, 394-396.

CORRESPONDENCE WITH THE PAPAL STATES.

Cardinal Franconius to President of Texan Republic [Burnet], July 18, 1840 (translation). Announces appointment of John Timon as prefect apostolic, or pastor of the Catholic Church in Texas, and of other priests as his associates, asks that property of the church be turned over to Timon, and commends them all to Burnet's aid and protection. Ikin, Texas, 77-78.

Burnet to Cardinal Franconius, December 24, 1840. Announces that principles of religious toleration prevail in Texas although most of the citizens are Protestants, and promises that such property of the Catholic Church as can be identified will be turned over to Timon. Ikin, Texas, 78-79.

CORRESPONDENCE HITHERTO UNPUBLISHED.

CORRESPONDENCE WITH THE UNITED STATES.

Additional Letters, 1835-1842.^a

JACKSON TO HOUSTON.^b

HOUSTON TO HENDERSON.^c

In the name of the Republic of Texas, Free, Sovereign and Independent. To all whom these Presents shall come or may in any wise concern. I Sam Houston President thereof send Greeting

Whereas it is the ardent desire and interest of this Government to open an intercourse between it and the United States Government upon just and liberal terms and to procure the acknowledgement by that Government of the Independence of Texas, and whereas according to usage that Government cannot receive a minister from this Republic until its Independence is acknowledged. Therefore I Sam Houston President of the Republic of Texas by virtue of the authority vested in me by the Constitution, do by these presents nominate, constitute and appoint William H Wharton and Memucan Hunt, the agents and representatives of this Government, to the Government of the United States with full power as such to negotiate for the recognition of the Independence of this Republic with the authorities of that Government, and to do all necessary acts and things for the purpose of effecting the object of their agency.

In Testimony whereof, I have signed these Presents, and affixed my private Seal, there being no great Seal of Office yet provided. Done at the Town of Columbia this 31st day of December A D 1836 and of the Independence of this Republic the first.

Signed
SAM HOUSTON P. S.

L. S.

J PINCKNEY HENDERSON

Acting Secy of State.

^a The correspondence for this period was published in Part I, but what is here given has been discovered since.

^b September 4, 1836. See Calendar, Correspondence with the United States, *addenda* (in Part II).

^c See Records of Department of State (Texas), Book 38, p. 13.

BURNLEY TO JONES.^a

WILLIAMS TO JONES.^b

WEBB TO LA BRANCHE.^c

DEPARTMENT OF STATE

Houston 27th May 1839.

SIR

I have the honor to acknowledge the receipt of your communication of the 13th Instant announcing the appointment by the Government of the United States, of a Commissioner, Surveyor, and Clerk, pursuant to the Convention entered into between the United States of America and the Republic of Texas for marking the boundary between the two Countries, and to inform you, that on the part of this Government, Branch T. Archer has been appointed Commissioner, C. R. Johns Surveyor and Hamilton Bee Clerk, to Carry into effect the objects contemplated by said convention.

I have also the honor to inform you that these officers will be directed to meet in New Orleans on the first Monday in August next, agreeably to one of the provisions of said Convention, at which time it is hoped that the officers appointed by the United States Government will be prepared to join them for the purpose of entering upon the discharge of their respective duties

I have the honor to be, with sentiments of the highest esteem and Respect Your Obedt. Servt.

JAMES WEBB.

[Acting Secretary of State.]

Honl. ALCÉE LA BRANCHE

*Chargé d'Affaires of the
United States.*

Houston.

^a October 11, 1838. See Calendar, Correspondence with the United States, *addenda* (In Part II).

^b March 11, 1839. See Calendar, Correspondence with the United States, *addenda* (In Part II).

^c See Records of Department of State (Texas), Book 38, p. 106.

BURNET TO DUNLAP.^a

DEPARTMENT OF STATE

Houston 3d June 1839.

Honorable RICHD. G. DUNLAP.

SIR,

I am instructed to inform you that the President has appointed Branch T. Archer Commissioner, C. R. Johns Surveyor, and Hamilton Bee Clerk to carry into effect the convention for running the line between the United States and this Republic.

These officers will be directed to repair to New Orleans in time to meet those appointed on the part of the United States on the first Monday in August next.

I have the honor to be Your Obedient Servant.

DAVID G. BURNET *Actg Secty of State.*

AMORY TO DUNLAP.^b

DEPARTMENT OF STATE

Houston July 24th 1839.

I am instructed by the President to inform you that the following changes in the appointments of Commissioner and Surveyor on the part of this Government to run and mark the boundary line between the United States and Texas, have been made, and to request that you will give notice thereof to the Government of the United States.

In the place of Branch T. Archer Esqr (of whose appointment as Commissioner you were notified on the 3d June last, and who from private considerations has since been compelled to decline acting) the Honl. Isaac N. Jones has been appointed, and in the place of C. R. Johns Esqr. George W. Smyth Esqr has been appointed Surveyor.

As circumstances not now foreseen may prevent the attendance of one or both of these Gentlemen at New Orleans on the day appointed for the meeting of the Commissioners, and to avoid any disappointment or delay on the part of this Government in causing the line to be run, David Sample Esqr has been duly authorized to act as commissioner in the place of Doct Jones, should the latter Gentleman not attend, and if neither of them attend, then Lieut Col. Peter B. Dexter of the Texian Army will be authorized to act, and in the event of the failure of the Surveyor to attend, the Commissioner will be authorized to appoint some other competent person, and to proceed with the work immediately.

You will perceive in this determination of the President to guard against all contingencies which might interrupt the progress of the

^a See Records of Department of State (Texas), Book 38, p. 115-116.

^b See Records of Department of State (Texas), Book 38, p. 120-121.

work, his great desire for its speedy accomplishment, and he trusts that an equal anxiety is felt by the Government of the United States to bring to a satisfactory adjustment this troubled question.^a

I have the honor to be with great respect

Your obedient Servant

NATHL. AMORY. *Actg Secty of State*

Honl R. G. DUNLAP.

*Minister Plenipotentiary of the
Government of Texas. Washington.*

BURNET TO DUNLAP.^b

DEPARTMENT OF STATE

Houston 19th August 1839

To the Honl.

R. G. DUNLAP

SIR,

I have the pleasure to acknowledge several communications from you recently, and one from Mr Roberts of the 2d Inst.^c enclosing copy of a communication from Mr Poinsett Secretary of War to yourself.

I regret to observe that Mr Poinsett seems to restrict the obligations of the United States growing out of the treaty with Mexico, to Indians resident within the United States. The prevention of any encroachments upon our territory from such Indians is certainly very desirable on our part, and manifestly incumbent on that of the Government of the United States. But there is another description of Indians whose annoyances are equally intolerable to us and who are equally within the perview of the treaty stipulations. The band of Cherokees lately under the Chieftainship of the notorious Bowls^d have been resident for some years in Texas, but they are originally Indians of the United States, and having been unwelcome intruders here, have never lost their American character, nor acquired social or political rights here. They are clearly the legitimate subjects of the

^a There was an extensive correspondence between the commissioners of the United States and those of Texas, and between the Texan government and its commissioner, part of which has been published in *Senate Docs.*, 27th Cong., 2d Sess., III (Serial No. 397), Doc. 199, and *House Docs.* 27th Cong., 2d Sess. II (Serial No. 402), Doc. 51, and more is copied in Records of the Department of State (Texas), Book 51. The main question raised in this correspondence, namely, whether the mouth of the Sabine should be interpreted to mean the point where the river enters Sabine Lake or the point where the lake debouches into the Gulf of Mexico and by consequence whether the lake should be regarded as lying wholly within the United States or not—is quite interesting and important; but since Forsyth refused to recognize authority of the commissioners to deal with the question and censured Overton, the United States commissioner, for engaging in the discussion (see his letter, in *Pub. Docs.*, 402, cited above), and since considerations of space in the publication of this Correspondence are claiming attention, the series to which this note refers is omitted.

^b See Records of Department of State (Texas), Book 38, p. 122.

^c In Part I, p. 414.

^d As to the form of this name, see *Handbook of American Indians North of Mexico*, Part I, 163.

Treaty stipulation on the part of the United States and properly belong to their jurisdiction and control.

The Caddoes are more recent intruders upon our territory and they commenced their hostilities before they had the audacity to pass the line of the United States. The Kickapoos, Shawnees, Delawares, and Several Minor bands of the Creek tribe are in similar circumstances,—and these all have combined together in depredating upon our scattered frontier families.

You have probably heard of the late campaign against the Cherokees and its results. It is not ascertained whether they have actually passed the line of the United States or whether they have only dispersed in small parties and are meditating a cruel and desultory war upon our borders. They have been pretty severely chastised and we entertain a hope that they will give us no further Molestation. If they shall have crossed into the United States it is important that some adequate steps be taken by that Government to prevent their returning. If they should return, it will be more than probable that Many of the restless spirits among the tribes lately translated to our vicinity will unite with them and by becoming participants in the war here, will eventually kindle a flame that will spread along the whole line of the Missouri. The death of Bowls has deprived the tribes resident in Texas, of their most intelligent and mischievous head, and has in a great measure subverted their *political* powers by destroying their means of combination. Still they may be capable of inflicting grievous evils upon our frontier settlements, by desultory incursions, and it is very important that we avail ourselves of every possible and just method of prevention.

The propriety of the application to the Government of the United States in respect to *these* bands, is so obvious that the President does not feel it needful to present any further reasons in elucidation of it.

The Presidents health is improving. We shall shortly be busily employed in removing to Austin.

I have the honor to be

Your Obdt. Servt,

DAVID G. BURNET

Acty Secretary of State.

EMBERSON TO JOHNSTON.^a

^a September 2, 1839 (extract). See Amory to Dunlap, October 25, 1839, in this series of *addenda*.

DUNLAP TO DUNLAP.^a

BANK UNITED STATES,
Sept 28, 1839.

DEAR GENERAL

You will of course apprise the proper authorities, that amount advanced to day, for the Bill on London, say \$3633.33 (Three thousand six hundred and thirty three 33/100 dollars) is to remain here undrawn, of the deposit at present existing in this Bank until the Bill is paid, and will much oblige me by addressing to me a note saying that you have so advised them

Always yours

T DUNLAP

Gen R G. DUNLAP

AMORY TO DUNLAP.^b

DEPARTMENT OF STATE
Austin 25th Octr 1839

SIR,

The Honl David G. Burnet Actg Secty of State being at present absent from the seat of Government, I am instructed by his Excellency the President to transmit you a certified copy of a communication received this day by the Honl. A. Sidney Jonston^c secretary of War, from John Emberson Captain of a company of Texas Rangers on our North eastern frontier, with a request that you will make its contents immediately known to the Government of the United States, in order that prompt measures may be adopted by that Government to prevent the threatened invasion of Texas by the Indians therein alluded to, and restrain them within their proper boundaries.

That the action of the United States Government on this subject will be prompt the President feels the fullest confidence, from the repeated assurances of Mr Poinsett Secretary of War as communicated through yourself, that his Government would oppose force to any body of Indians which might attempt to pass into Texas, and that orders had been given to the Commanders stationed at and

^a See Records of Department of State (Texas), Book 41, p. 391. This letter was an enclosure with Dunlap to Burnet, October 12, 1839. Part I, p. 420, note *a*.

^b See Records of Department of State (Texas), Book 38, p. 127-128.

^c Johnston.

near the line of the two Countries to Carry out these views of the United States Government.

I have the honor to be with Sentiments of
High Consideration, Your Obedt servant

NATHL AMORY
Chf Clk Dept of State.

Honl

RICHARD G. DUNLAP

Minister for the Republic of Texas
Washington, U. S.

Extract of a letter directed to the Honl A Sidney Johnston Secretary of War from John Emberson commanding a company of Texas Rangers dated Camp Bois d'Arc Sept 2d 1839.

Since my last nothing of importance has transpired on this frontier, no sign of any Indians crossing Red River, either to or from Texas with the exception of a small party of Shawnees a few days ago, on their way from Texas, to their Village on the North side of Red River, which party was permitted to pass unmolested, and crossed the Red River in peace and safety. This party informed us, of a party of Cherokees, Settled and are now remaining, on the East fork of the Trinity River about ——— We will keep a close watch for them.

I have just received a communication from Mr Clark Sub Agent for the Choctaw Indians of the United States, which informs us that a party of Cherokees are now embodying on the Arkansas River for the purpose of invading Texas, and advising me to keep a close watch for them. I believe the United States Indian Agents are doing all in their power to prevent the Indians from crossing Red River to commit depredations upon our Citizens. Yet it will be impossible to prevent it, so long as Red River remains the dividing line for 200 Miles between our Settlements, and the Indians and no station, or Military post, at any point upon said Stream.

DEPARTMENT OF STATE, *Austin Oct 25- 1839*

(SEAL) I certify the foregoing to be a true copy

N. AMORY. *Chf Clk Dept State.*

BURNET TO LA BRANCHE.^a

DEPARTMENT OF STATE

City of Austin 29 Novr 1839.

The Undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of the note of 28th Inst.^b from the Honl

^a See Records of Department of State (Texas), Book 38, p. 123.

^b In Part I.

Chargé d'Affaires of the United States, representing that "another violation of the territory of the United States has been committed by a Military officer of Texas"

The undersigned has submitted that note to the President and has great pleasure in reiterating to the honorable Mr La Branche his sentiments on the subject and to assure him that an enquiry will be instituted into the relative facts that the officer who may be found to have so transgressed, will be suitably admonished of his indiscretion; and that such further measures will be adopted as it is hoped will effectually prevent the recurrence of a similar event. The President is sensible of the many difficulties incident to border Settlements where the population of the remote frontiers of Two Governments are put in juxtaposition. In the present instance those difficulties are probably enhanced by the fact that the line of demarcation between the two Governments has not been definitively ascertained and by the consequent inability of this Government to perfect its domestic organization in that quarter of the Republic.

It affords the undersigned great satisfaction to assure the Honl. Chargé d'Affaires of the United States that nothing can be more foreign to the designs or repugnant to the wishes of the President and indeed of the people of Texas, than to intercept the harmony and good understanding which so happily subsists, and it is confidently hoped always will prevail between the two Governments.

The acting Secretary of State has the honor to repeat to the honorable Mr La Branche assurance of his high consideration and Regards.

DAVID G BURNET.

To the Honorable

ALCÉE LA BRANCHE, *Chargé d'Affaires*
of the United States. Austin.

SCURLOCK TO BURNET.^a

WILLIAMS TO BURNET.^b

ROWLETT TO BURNET.^c

^a November 30, 1839. See Burnet to La Branche, December 7, 1839, in this series of *addenda*.

^b November 30, 1839. See Burnet to La Branche, December 7, 1839, in this series of *addenda*. In the copy the date is incorrectly given as 1837.

^c Undated but probably written about the same time as the other enclosures in the letter with which it was sent. See Burnet to La Branche, December 7, 1839, in this series of *addenda*.

BURNET TO LA BRANCHE.^a

DEPARTMENT OF STATE

Austin Decr 3d 1839.

SIR, I have the honor to acquaint you that in place of David Sample Esqr Commissioner on the part of Texas to run and mark the boundary line between this Republic and the United States, the Honl Memucan Hunt has been appointed and will relieve the former Gentleman on arrival at a point where he may meet the joint Commission of the two governments.

With great consideration

I have the honor to be

Your Obedient Servant

DAVID G. BURNET

Acting Secty of State.

Honl

ALCÉE LA BRANCHE

*Chargé d'Affaires**Of the United States**Austin.*BURNET TO LA BRANCHE.^b

DEPARTMENT OF STATE

December 7th 1839.

SIR, Agreeably to my promise in the conference which I had the honor to hold with you on yesterday, relative to the claim of Messrs Campbell and Dean, which was presented to this Government by your official letter of 18th June last, I am directed by the President to remark.

That, the Government of Texas feels itself bound to make full compensation for the quantity of bacon that was actually pressed by an officer of the Texian Army, from the possession of Mr. R. G. Bryerly,^c as alledged in your note, and avouched by the receipt of that officer. The only difficulty that intervenes an immediate settlement of this demand results from the excessive price which the claimants have affixed to the article. To render justice, is a common duty: to submit to imposition, is to sanction and reward iniquity. Messrs Campbell and Dean must be sensible that no instance can be found in this or any other country, of inferior and damaged bacon having been sold at two dollars per pound. On this Subject, I have the honor to transmit you three several letters from gentlemen of

^a See Records of Department of State (Texas), Book 38, p. 128.

^b See Records of Department of State (Texas), Book 38, p. 129-130.

^c Bryarly.

high respectability, all of them members of the Congress of Texas. But as I am in expectation of further testimony on this subject, I would respectfully suggest the propriety of deferring the discussion of it until more minute information can be had.

In reference to the damages claimed, I can only remark at present, that the question of damages, and the amount, if any, to be allowed, will depend upon the circumstances of the case; and with the very limited intelligence we now have, it would be impossible to arrive at a satisfactory solution. The whole demand is so exceedingly exorbitant that a rigid scrutiny into the relative facts, seems to be indispensable to a just appreciation of it.

I have the honor to repeat to Mr. La Branche, assurances of my high consideration.

DAVID G. BURNET.

Actg Secty of State.

To the Honl

ALCÉE LA BRANCHE

Chargé d'Affaires of the United States.

(The following are the letters transmitted as referred to above.)

Austin 30th Novr. 1839

Honl DAVID G. BURNET.

SIR, Having understood that the Honl Chargé d'Affaires of the United States, near the Government of the Republic of Texas, has claims against this Government for 10000 dollars which is charged by one Davis for 5000 pounds of inferior bacon pressed by the quarter Master of the fourth Brigade Texas Militia. Having been myself engaged in the sale of Bacon during the same season, previous to said impressment, I am enabled to say with certainty that at the time of the impressment of said bacon and previously, the highest price for which any was sold in the neighborhood of said bacon unless in very small quantities did not exceed seventeen cents per pound, average price from 15 to 17 cents per lb. The bacon taken by our Quarter Master was a very inferior article consisting of Jowls, Shoulders and Sides.

Very respectfully Your Obdt Servt

WILLIAM SCURLOCK.

AUSTIN November 30th 1837.^a

To Honl DAVID G. BURNET.

SIR, I was acting in the capacity of Assistant Quarter Master for the 4th Brigade at the time the lot of bacon (5000 pounds) belonging

^a This is apparently the copyist's error for 1839.

to or in the possession of a Mr Bryerly a citizen of Red River County, was taken for the use of the troops of the brigade, and it was always my understanding that, the above Bryerly informed Majr West the Quarter Master that he could have the bacon. I am quite confident had any opposition interfered, this bacon would not have been taken. I draw this inference from instructions given to me when I commenced preparing to fit out the 2d Battalion of the 1st Regiment.

I can further say that this was an inferior lot of bacon, and much injured by bugs worms etc. having been on hand through the summer until November before taken.

Respectfully yours etc.

WILLIAM M. WILLIAMS.

Honl DAVID G. BURNET.

DR SIR, I have examined the communications from Captains Scurlock and Williams herewith enclosed and am certain that the statements made therein are strictly true. I lived in the adjoining county at the time of taking the bacon alluded to in said communications, and I know very well that the price of the best bacon in small lots in the county of Red River, at and before the time of taking said bacon was from 15 to 17 cents per pound, and no lot was during that time sold for a higher price, during the summer or fall in which said bacon was taken.

Very Respectfully

D. ROWLETT.

BURNET TO LA BRANCHE.^a

DEPARTMENT OF STATE

Austin 16th Decr 1839—

SIR, Many official engagements have caused me to defer replying to your note of 10th inst^b which was received some days ago.

I cannot but regret that the phraseology of the note which I had the honor to address to you on the 7th instant, should give occasion for any explanatory discussion, and I regret it the more because you seem to have misconstrued its meaning in several particulars. I was perfectly sensible that Messrs Campbell and Dean had exercised sufficient adroitness to present their demand in two distinct forms: but it was also apparent that the aggregate sum demanded for five thousand (5000, pounds of bacon exceeded ten thousand (10.000-) dollars, which is something more than two (2) dollars per pound for the Bacon. The three letters from highly respectable gentlemen, copies of which were transmitted to you

^a See Records of Department of State (Texas), Book 38, p. 131-132.

^b In Part I.

with my last note, afford ample testimony of the facts, that the bacon pressed was of inferior quality and damaged: that the current price of good bacon in the neighborhood and at the time of the pressing was from 15 to 17 cents per pound: and one of them very distinctly intimates that the bacon in question was taken with the free consent of the person in charge of it, although the receipt given by the Texian Officer purports that it was pressed. I therefore cannot perceive any impropriety in considering the demand as one, and the price of the bacon actually taken, as fairly estimated by its relative proportion to the amount demanded. The partition of the claim into two separate items, does not vary the result to this Government. We acknowledge to have received 5000 lbs of bacon and no more is alledged to have been taken. If $10072\frac{11}{16}$ dollars are demanded for it we are evidently required to pay something more than two dollars per pound. The allegation of Messrs Campbell and Dean that 20193 pounds of inferior and damaged bacon was totally lost in consequence of 5000 lbs consisting of "sides shoulders and bones", having been taken from it, is too preposterous for serious consideration: and I am persuaded that when the facts are fully presented to your mind, that you will perceive and assent to its absurdity. But it is perfectly consonant to the further fact that they have charged for this lost bacon, which remained in their own possession, something more than twice the current value of the article.

I am constrained to express my surprise that you could for one moment imagine I intended to cast any "imputation" upon the Government of the United States. It is true, that Government, has "presented" this extraordinary claim and in doing so, it has discharged a common duty to its citizens. But I should believe with extreme regret, that in this instance, presentation and justification were convertible or synonymous terms. I have not so understood it, and cannot therefore be justly supposed to have designed any imputation upon that government which commands the highest filial veneration of nearly all Texians.

That the demand of Mess. Campbell and Dean is utterly unreasonable, will I am convinced be made apparent to you when all the relative facts are disclosed, and then I am persuaded you will not differ with me in the moral estimation of that demand. Enough is already apparent to satisfy me on that point, and to corroborate an opinion founded on observation that some men of ordinary good repute, have small restraints of conscience in making up demands against a government, which is in this respect, but an aggregation of individual interests and is capable of being defrauded.

So soon as the further information which I am expecting on this subject, shall be received, it will gratify me to submit it to you.

I have the honor to renew assurances of my high consideration and esteem.

Your Most Obedient Servant

DAVID G. BURNET
Acting Secretary of State.

Honl ALCÉE LA BRANCHE
Chargé d'Affaires of the United States.

BURNET TO LA BRANCHE.^a

DEPARTMENT OF STATE
Austin Decr. 17th 1839

SIR

I hasten to acknowledge your note of this morning,^b and to express my entire concurrence, that a further discussion of the Subject Matter, "is, at present unnecessary and inopportune".

In my opinion enough has been disclosed to Justify all that I have pronounced upon the merits of the demand of Mess Campbell and Dean—but I admit also, that more evidence may be necessary to a correct adjustment of the Specific amount to which they are equitably entitled. That something is due them is without controversy, but that their demand is exorbitant and unreasonable, is perfectly clear to my perception, and in pronouncing it so I have no desire to diminish their claim a fraction of a cent below its true merits what those merits are is the essential matter for discussion, and where^c the more minute testimony which is expected, shall be received it will afford me pleasure to renew the subject, and I trust to reduce it to a final and satisfactory conclusion.

With distinguished consideration

I have the honor to be, your obt. Servant

DAVID G BURNET *Actg. Secy State*

Hon ALCÉE LA BRANCHE
Chargé de' Affaires

BURNET TO LA BRANCHE.^d

DEPARTMENT OF STATE
Austin Decemb. 20th 1839

SIR

Your note of 19th inst.^e accompanied by a copy of a letter from Capt. J. Shepard of the Schooner Robert Centre, I had the honor to receive last evening.

^a See Records of Department of State (Texas), Book 38, p. 132-133.

^b In Part I, p. 431.

^c When.

^d See Records of Department of State (Texas), Book 38, p. 132.

^e In Part I, p. 432.

The President regrets exceedingly the unfortunate circumstances in which Capt Shepard is involved and will cheerfully extend to him every facility in his power, to obtain a redress of his alleged grievances. Our District Judges are invested with exclusive original jurisdiction in Maratime cases, and it so happens at this juncture that the judge of the District comprizing the port of Matagorda is on his way to the Capitol to attend the Supreme Court of the Republic, of which he is a member.

To order a special court at Matagorda at this moment might seriously conflict with the proximate session of the Supreme Court, and result in great public inconvenience. But so soon after the adjournment of the Supreme court as may be practicable, a Special Court for maratime purposes will be held at Matagorda, when it is hoped and believed, Capt. Shepard will have ample justice dispensed to him.

With great consideration I have the honor to be

Your obt Servant

DAVID G. BURNET.

Acting Secretary of State

HON ALCÉE LA BRANCHE

Chargé d'affaires of the U. States.

ROWLETT TO BURNET.^a

AUSTIN 5th Jany 1840

HON DAVID G. BURNET

*Acting Secretary of State
of the Republic of Texas.*

D. Rowlett for himself and as Agent for others humbly petitioning sheweth to your honor, that heretofore on the 1st day of May 1839—a party of Cherokee Indians then living a short distance above Fort Smith in the United States of North America did steal and carry off from the county of Fannin in this Republic the following property namely—Two Horses the property of D. Rowlett worth three hundred and fifty dollars,—one horse the property of J. Fitzgerald worth one hundred and fifty dollars,—one mare belonging to J. R. Garnett worth one hundred and fifty dollars,—one mare the property of John Duncan worth two hundred dollars,—one mare the property of George Duncan worth one hundred and fifty dollars,—two mares and one colt the property of George Dawson^b worth two hundred dollars,—one horse the property of J. C. Dodds worth one hundred and fifty dollars,—

^a See Records of Department of State (Texas), Book 38, pp. 133-134. This letter was enclosed with Burnet to Dunlap, January 10, 1840, which was published as itself an enclosure in Waples to Bee, September 30, 1840, in Part 1.

^b Damron.

two mares the property of John and Isham Davis worth two hundred dollars,—All amounting in Value to the Sum of fifteen hundred and fifty dollars. Your petitioner would further state that Said Indians were pursued by himself and eleven other citizens of the County of Fannin, a distance of about two hundred and fifty miles, and so closely that said Indians were compelled to leave on the way one of the mares belonging to the Davis's which was retaken on their trail, and when said Indians had been trailed up within a very short distance of Fort Smith in the United States where the said Indians then lived, your petitioners took from said Indians one of the mares belonging to George Dawson and the colt of said mare, but said Indians were able to conceal the ballance of the property stolen as aforesaid. Your said petitioners then went to Genl. Armstrong the Cherokee Agent State, and near Fort Smith to whom they made complaint and said Agent really pronounced that the Value of all said property together with the expence of pursuing it should be retained out of the first annuity which might fall due to said Indians upon proper application being made for the same, which I hope you will do through the Chargé de'affairs of the United States residing near this Government,—fifteen hundred and fifty dollars, from which deduct two hundred and twenty five dollars, for recoverd horses, leaves a ballance of thirteen hundred and twenty five dollars to which add the sum of two hundred and fifty two dollars, to cover the expenses of twelve men fifteen days, will make the sum of fifteen hundred and seventy seven dollars due us for said horses, and for detecting the theives for the recovery of which your aid is most respectfully solicited, and we as in duty bound will ever pray etc.

D. ROWLETT *for*
Himself and others.

BURNET TO DUNLAP.^a

DEPARTMENT OF STATE
Austin Jan'y 20th 1840

SIR

The President has learned with profound regret, that the Ambassador of Texas, accredited to the Courts of France and Great Britain has sustained a high indignity, and a serious interruption on his homeward passage through the territory of the United States.^b

It appears that that gentleman, the Hon J Pinckney Henderson was arrested and held to bail, in the city of New York, shortly after his landing from Europe, at the suit of Mr Timothy T. Kissam and

^a See Records of Department of State (Texas), Book 38, p. 134-135.

^b See Henderson to Burnet, December [9.], 1839, in Part I.

also at the suit of Messrs. Holbrook & Co Merchants of that city. And it is alleged those persons, were fully apprized of the ambassadorial character of the gentlemen against whose person their offensive proceedings were directed. General Henderson in a letter to this Department shortly after the Unfortunate transaction occurred, remarks, "The first intimation, I had of their claims against me was from the *Sheriff*, who came to my apartments and arrested me with as little ceremony as he would have arrested a common Felon, although I exhibited to him my commission as Minister of Texas to France and England, and protested against the arrest as an insult to Texas and a Violation of her ambassadorial rights."

The most ancient and the most barbarous nations have recognized the rights of ambassadors as sacred and inviolable. Those rights include as a special privilege, exemption of the person of the ambassador from the civil jurisdiction of the country in which he may reside and to whose Sovereign he is accredited. When that country is remote from his own and it becomes necessary to pass through other dominions in order to reach it or to return from it, his ambassadorial immunities accompany his progress, and all Sovereigns through whose dominions he may pass, are bound by the usual comity of nations to respect his representative character and to afford him a free passage without molestation or hindrance unless his transition be attended by circumstances which involve some public hazard or inconvenience to the country through which he passes.

Nothing of this kind can be alledged in the passage of General Henderson from the courts of France and Great Britain, through the territory of the United States, to Texas. He entertained no political schemes adverse to the interests or the tranquility of the Government of the United States, nor Meditated any injury to any of its citizens. His object was simply to return by the most convenient route to his own country. In essaying to accomplish this object, after having rendered eminent services to his country, he has been rudely arrested and subjected to great inconvenience and indignity within a government with which Texas is proud to acknowledge her relations of amity and to profess her alacrity to reciprocate every feeling and every act of national Courtesy and friendship.

The government of Texas is not insensible of the Vast disparity of physical power between itself and that of the United States. But this is a question of political and international right, and is not dependent upon physical power for its solution. It concerns all nations, for all are interested in sustaining the necessary immunities, which all civilized and many barbourous powers have agreed reciprocally to confer upon those who bear the representative character of a nations Sovereignty. The President cannot doubt that the government of the United States will Vindicate those immuni-

ties in her own behalf, and will also cause them to be rigidly respected on the part of her citizens, towards other Co-equal Sovereignties.

The President expects you will represent this outrage upon the National dignity and the rights of Texas in Suitable terms to the government at Washington, and that you will request at their hands such reparation as from the facts and circumstances, may appear to be just and consonant to the Usages of Nations. General Henderson was subjected to a delay of several days and his personal feelings were Violated by indecorous language touching his country, by Mr. Kissam, one of the Plaintiffs. But the chief indignity was offered to the Sovereignty of Texas and such indignities are forcibly addressed to the Sympathies of other nations. Annexed you will find a list of the persons concerned in these affairs,^a which list you will transmit to the Government of the United States for their more certain action. It cannot be doubted that that government which has ever approved itself wisely jealous of its own rights, will feel the necessity of instituting prosecutions against its citizens who have been so forgetful of their obligations as to Violate the most salutary rules of inter-national decorum and of Universal polity, which rules contribute so much to the Conservation of National harmony, by affording a free passage to the Messengers of peace and reconciliation.

With great consideration

I have the honor to remain etc.

DAVID G. BURNET *Acting Sec State*

To Hon R. G. DUNLAP

LIPSCOMB TO LA BRANCHE.^b

DEPARTMENT OF STATE

Austin 1st April 1840

SIR

I have the honor to acknowledge the receipt of yours of the 12th Ultio.^c in relation to the case of Mr Shepard, Master of the Robert Center. The delay in the case of the Robert Center, was occasioned by a Vacancy on the Bench in the Matagorda District, and after that Vacancy had been filled by Congress, the judge was compelled to give his attention on the Supreme Court at the Seat of Government. There has been a Court holden at Matagorda, Since the date of Mr Shepards letter to you, and I have no doubt his case has been disposed of..

^a On the margin of the Record Book at this point is written "Superior Court of the City of New York. Timothy F. Kissam vs J. Pinckney Henderson two notes Bail \$3000 Lowell Holbrook. Thomas S. Nelson and William E. Shepard vs the same. Jones and Peek Deputy Sheffs. Dal. Lord Esqr. and Mr. Buller his partner witnesses to the arrest."

^b See Records of Department of State (Texas), Book 38, p. 139.

^c In Part I.

Accept Sir the assurances of the high consideration and esteem with which I have the honor to be, your obt. Servant

ABNER S LIPSCOMB

Secretary of State

To Honl. ALCÉE LA BRANCHE

Chargé d'Affaires

U. S.

LIPSCOMB TO FLOOD.^a

[Appointing 12 o'clock, that day, for an interview with Flood, to receive his credentials.]

DEPOSITION OF SWAGERTY AND OTHERS.^b

REPUBLIC OF TEXAS

County of Fannin

10th JULY 1840

I Samuel McFarlane an acting Justice of the Peace in and for said County Certify that Joseph Swagerty, Isham Davis, John Davis, John Damron, George Damron, George W. Duncan, John Duncan and Daniel Rowlett this day personally appeared before me, and after being duly sworn depose and saith that on the first day of May 1839 they and each of them with several other men, left their homes in Said County in pursuit of twelve mares and horses which had been stolen from the immediate Neighbourhood in which they lived on the preceding night, that after tracking said horses a few miles, the trails all came together, near Red River in said County, from which place said horses were tracked in various directions, on the South Side of Red River about twenty miles, that they then crossed to the North Side of Red River, that they then tracked said horses on the North Side of Red River from Said Crossing about one hundred miles, when on the fourth day they run down and retook one of the mares, that had been thus stolen, that they then pursued the trail of said horses to a point within forty miles of the Indian Agency near Fort Smith, at which point said deponents turned back, and further saith not, except George Damron, John Damron, and Isham Davis who still pursued said horses, and the said George Damron and Isham Davis depose and saith, that at or within two hundred yards of the house of Deers-track a Cherokee Indian who lived on the east side of Arkansas River, they found one of the mares which

^a June 21, 1840. See Records of Department of State (Texas), Book 38, p. 144-145.

^b This was one of the enclosures in Waples to Bee, September 30, 1840. For the letter and three of the enclosures, see Part I. For the deposition, see Records of Department of State (Texas), Book 38, pp. 152-153.

had been thus stolen and a young horse Said mare was fore hobbled, Andy Van another Cherokee informed said deponents that said horse had been carried to the east side of Arkansas River, and crossed at the houses of She-Cow and Deers-tracks. Said deponents then started to the Agency and met with Aaron Hicks the Capt of the Light horse who described said horses having seen them at a Grocery a small distance from where he lived. Said Hicks informed said deponents, that said horses had been stolen by Jontaga, Bird Crier the Nabb and other Cherokee Indians. I also certify that Thomas S Smith and William Cattle this day personally appeared before me and after being duly sworn, depose and saith, that on the morning of the first day of May 1839, they personally and severally saw a bay mare the property of George Duncan which had been shot the preceeding night with Indian arrows in a gang of horses from which one of the twelve horses above alluded to was stolen, that said mare which had been thus wounded died of said wounds early on the first day after she had been wounded. I also certify that the above named George Damron and Isham Davis depose and saith that at the place on the east side of Arkansas River near the house of Deers-tracks where they found the mare and young horse they also say a horse, the property of Israel Gables of said County which had been stolen from said Neighbourhood in said County about the 1st Feby 1839, with three other horses the property of Parker McFarland and Black.

Sworn to and subscribed before me this day and date first above written

SAML MCFARLANE J. P. JOSEPH SWAGERTY

(L. S.) ISHAM DAVIS (L. S.) JOHN DAVIS (L S) JOHN DAMRON
(L S) GEORGE DAMRON (L S) G. W. DUNCAN (L S) JOHN DUNCAN
(L S) D ROWLETT (L S) T. S. SMITH (L S) WM. CATLE (L S)
[Next follow duly certified appraisements of the stolen horses.^a]

LIPSCOMB TO HAMILTON & BURNLEY.^b

DEPARTMENT OF STATE

City of Austin 15 Aug 1840

To

Genl JAMES HAMILTON and
A. T. BURNLEY

GENTLEMEN

There is great difficulty in procuring funds for the salary of Mr McIntosh, who is the acting Chargé d'Affaires, for this Government, near the Government of the King of the French. He is entitled to

^a See Records of Department of State (Texas), Book 38, pp. 153-154.

^b See Records of Department of State (Texas), Book 38, p. 148-149.

the Salary of Chargé d’Affaires, Say five thousand Dollars per annum, since Genl. Henderson left. If you can by negotiation raise the amount, and have it paid over to him, you are authorized, and requested so to do. I wish you to write to him on the subject, I am apprehensive he may have suffered some inconvenience, for want of funds.^a We have had within the last few days considerable excitement here, occasioned, by a very daring descent made by about four hundred Comanche, Warriors, on Lynns landing a place much used as a deposit, for goods, designed for this place, and the Towns South west of this. They succeeded in passing down the Prairie, from the mountains, between the Colorado, and the Guadalupe, and plundered the two Store Houses at the landing of some twenty or thirty thousand dollars worth of merchandize, and killed some of our Citizens there, as well as some in the vicinity of Victoria. The militia turned out with great promptitude from, the adjacent Settlements, and a party of about two hundred from this County, Bastrop and Gonzales, under Genl. Felix Huston and Colonel Burleson had the good fortune, to intercept them, about thirty five miles from this place and recovered all the spoil, and chastised them very severely, entirely dispersing them. This destruction at Lynnvile, will probably be magnified much in the newspapers. But although it was a bold enterprize, on the part of the Indians, when the circumstances are correctly known, its importance diminishes very much, Lynnvile or Lynns landing, as it is usually called, is at the head of the Labacca Bay, where there were two Store Houses, and some half dozen families, giving a population of about thirty persons, a considerable quantity of merchandize were generally deposited there, until it could be Transported in waggons to the different points of distribution, and some supplies for the Government had in the course of the Spring been received there though none were there at the time of the attack. The Indians no doubt informed by the Arkansas traders, of the fact of the probability of making rich Spoil, and encountering, but slight resistance, from the few persons residing there, and the facility afforded by the Prairie’s for a retreat. The severe lesson they have received, it is believed, will prevent a similar enterprize. It is though that they killed but few persons, as most were able to make good their retreat, to the Boats on the shore. We have recovered from the Indians the Book of the Custom House which they were conveying to the mountains. It is rumored and believed that there has been a Revolution in the city of Mexico in favor of the constitution of twenty four, that Urrea is at the head of affairs. I do not put implicit confidence in the truth of this rumor, but from the unsettled condition of the Country and the non resistance, with which the State of

^a Cf. note a, p. 1375.

Yucatan with-drew from the Central Government, I am prepared to look for the result reported, to have occurred. We are all anxiety to hear from you

I have the honor,

Gentlemen to be with great
respect, your obdt. Servt.

ABNER S. LIPSCOMB

WAPLES TO BEE.^a

DEPARTMENT OF STATE

Austin 19th Sep 1840

SIR

The Boundary line Commissioner (Mr Smyth) is at this time in Austin, and says that in consequence of the appropriation for carrying on that work being exhausted, and no appropriation upon which to draw for that purpose, he thinks it will not be possible to proceed with it, at the time agreed on, between him and the Commrs on the part of the United States which was the first of Novr. But as Congress meets on the first Monday of that month, and the question will doubtless be among the first taken up, and an appropriation for completing it made he thinks it advisable that you should inform the U. S. Govt., if in case he should not be present at the appointed time, of the cause of his detention; but will so soon as he is provided with means proceed immediately to the point of destination, which will be at farthest the 1st Decr. But if the Com and Engineer of the U. S. Think proper to meet at the time fixed on, to make observations and satisfy themselves as to the point for starting, they can do so, as our Engineer and Surveyor are remaining there. The President instructs me to inform you of these facts, that you may, if in your judgment you deem it proper, lay them before the U. S. Govt. in order that there may be no disappointment on the part of their Commrs. by being delayed at that point, and that he may be instructed not to be there until 1st Decr. instead of 1st Novr. It is very much regretted that so much delay has occurred in running this line. Much Solicitude is felt on the part of this Govt. to have it completed. The President has been very ill since his return from Galveston. He is now convalescent but weak. Judge Lipscomb is absent, and will be four or five weeks.

I have the honor to be, Sir

Your obdt Servant

JOSEPH WAPLES

Acty Sec of State

To

Hon B. E. BEE

etc. etc. etc.

^a See Records of Department of State (Texas), Book 38, p. 151.

LIPSCOMB TO FLOOD.^a

DEPARTMENT OF STATE
Austin City 13th December 1840

SIR,

I have the honor to acknowledge the receipt of your, Note of this date, enclosing, the copy of a letter from, a citizen of the, United State, and enquiring, whether I considered that the Courtesy of friendly Nations would authorize an arrest and the surrender of the person charged, in the case presented, by the Copy of the Letter enclosed. I have the Honor to beg Mr Flood to be assured, that it will at all times afford this Government much pleasure to extend to the utmost limits the Laws of National Courtesy to the Government of the United States, but that the case presented is not believed, on the most liberal construction to come within any acknowledged rule. It does not appear, that any offence criminal in itself has been committed by the person charged, but that both would be classed as *Mala prohibita* If however, the offence charged had been *per Se* Criminal, the Letter of Mr Wagner would not have been Sufficient evidence to Justify a warrant of arrest and an Order to Surrender him. An Exemplification of the Record, duly authenticated, would be required. I have the honor to be, with great Respect

Your Obedient Servant

ABNER S. LIPSCOMB

Hon GEO H FLOOD

Chargé d' Affaires

From the United States

WAPLES TO AMORY.^a

DEPARTMENT OF STATE
Austin 5th of Jany 1841

SIR,

* * * * *

I am also instructed by the President to say that he very much regrets the continued absence of Col Bee from Washington City, and that during the session of Congress there, his presence is indispensable. I am also instructed to say that this Government does not intend at present to make any further Overtures to Mexico, therefore the Services of the Gentleman you recommend as Agent will not

^a See Records of Department of State (Texas), Book 38, p. 158.

^b The paragraph omitted here refers to Amory's salary and to the question of purchasing certain books for the legation of the United States of Texas at Washington City.

be required. Gen Lamar has been absent from the seat of Govmt since the 15th Ultio by leave of Congress, to go to New Orleans for Medical attendance. Judge Burnet as Vice President performs the functions of President. With great Respect I am your Obedient Servant

Signed JOS WAPLES
acting Secy of State

TO NATHANIEL AMORY
Secy Texas Legation
Washington City

WAPLES TO FLOOD.^a

DEPARTMENT OF STATE
Austin 28th January 1841

In compliance with the request of the Honl. Charge d' affaires of the United States, the undersigned acting Secretary of State of the Republic of Texas, has the honor to furnish him a copy of the Treaty of Commerce and Navigation between the Republic of Texas and Great Britain

The undersigned avails himself of this occasion to give to the Hon. Charge d' affaires assurances of his high Consideration

Signed— JOSEPH WAPLES .

To the Hon.
Charge d'affaires
Of the United States

WAPLES TO FLOOD.^b

DEPARTMENT OF STATE
Austin 2nd February 1841

The Undersigned acting Secretary of State, acknowledges the receipt of the note of the Hon. Geo. H Flood, Charge d'affaires of the United States, requesting a copy of the convention between the Kingdom of Great Britain and the Republic of Texas.^c It would afford the undersigned great pleasure to comply with the request, but as the Convention has not yet been made public, consequently he will have to defer it for the present, but will so soon as circumstances will admit take pleasure in complying with the request.

^a See Records of Department of State (Texas), Book 38, p. 159. This note was in answer to that of Flood dated January 26, for which see Part I, p. 476.

^b See Records of Department of State (Texas), Book 38, p. 160.

^c The request was of the same date as this letter. See Part I. Flood probably did not know that there were three treaties between Texas and Great Britain waiting for ratification.

The undersigned begs leave to assure the Hon Charge d'affaires of the continuance of his regard and consideration.

(Signed) JOSEPH WAPLES.

To

Hon

GEORGE H FLOOD

*Charge d'affaires
of the United States.*

WAPLES TO FLOOD.^a

DEPARTMENT OF STATE

Austin 3rd February 1841.

The Undersigned acting Secretary of State of the Republic of Texas, is constrained to express both his regret and surprise, at the "disappointment" which his note of yesterday has occasioned to the Hon Mr. Flood, Chargé d'affaires of the United States. The Hon. Charge d'affaires has certainly given a latitude to his conjectures, unwarranted by any thing that has transpired from this Government, when he was led to believe that the "interest of his country is involved in the stipulations of England and Texas."

The Undersigned is instructed to say to the Honorable Mr Flood that whenever the President shall deem it expedient and consistent with propriety, to give publicity to the "Conventional Treaty between the Kingdom of Great Britain and Texas" the Charge d'affaires of the United States shall be furnished with a certified copy of it.

The Undersigned repeats his sentiments of distinguished consideration etc. etc.

(Signed) JOSEPH WAPLES

To

Hon GEO. H FLOOD

*Charge d'affaires
of the United States, to the Republic of Texas.*

MAYFIELD TO FLOOD.^b

DEPARTMENT OF STATE, CITY OF AUSTIN

February 12th 1841

SIR,

I am instructed by the President of the Republic of Texas to acknowledge the receipt of your note of this date,^c enclosing a copy

^a See Records of Department of State (Texas), Book 38, p. 160. This was in reply to the letter of Flood to Waples, dated simply February, Part I, pp. 477-478, and fixes the date of that letter as February 2 or 3.

^b See Records of Department of State (Texas), Book 38, pp. 162-163. ^c Part I, p. 479-480.

of an indictment in the United States District Court for the Eastern District of Louisiana against William McQueen for being a defaulter, and embezzlement under the Sub-treasury act, as Post-Master "at New Orleans of the United States" of the North. I have the honor to beg that Mr Flood be assured that this Government feels every disposition to extend to the fullest degree the rules of international Courtesy with the Government of the United States of the North: but that this Government can see no sufficient reason for departing from the rule laid down in the Note of the Hon Abner S Lipscomb late Secretary of State relative to the case mentioned bearing date the 13th of December A D. 1840,^a to which I would respectfully refer the Hon Chargé d'affaires of the United States to the Republic of Texas. I am further instructed to say that the avowal of the Executive of the United States of the North, that "he is not empowered to deliver criminals to foreign Governments in the absence of Treaty stipulations to that effect" would of itself preclude this Government from delivering to the authorities of the United States the individual in question, so long as the Republic of Texas shall act upon the principal of full reciprocity. I am instructed nevertheless to assure the President of the United States, that the Government of the Republic of Texas, in the absence of all Treaty Stipulations to that effect, feels an anxious desire, to extend every friendly courtesy consistent with rules of entire reciprocity and the Comity of Nations: but in such a state of affairs, that She cannot countenance the establishment of a principle so general in its application, as in the case of McQueen, who is charged with an offence merely *mala prohibita*

With Sentiments of respect, I have the honor to subscribe myself
Respectfully, Your Obedient Servant

JAMES S MAYFIELD
Secty of State

To
The Hon.
GEO H FLOOD
Chargé d'affaires
etc. etc.

MAYFIELD TO BEE.^b

DEPARTMENT OF STATE
City of Austin Feby 17th 1841.

SIR

This undersigned in assuming the duties of this Department found on file several communications from the Secretary of Legation at

^a This was doubtless written in answer to Flood's note of December 12, 1840 (See Part I, p. 469-470), but no copy of it has been found.

^b See Records of Department of State (Texas), Book 38, p. 163-164. Cf. note d, Part I, p. 484, which should now be deleted.

Washington in relation to the unsettled question as to the Construction of the Treaty between the Government of the United States and Mexico: and the obligation of the United States under that Treaty to restrain the Northern Indians residing on our borders.

The President instructs me to inform you that in all probability it will be the most advisable to defer for the present any further discussion of that subject: That you avail yourself of the most favorable opportunity to suggest, to the Secretary of State of the United States the importance, and mutual advantages to be derived to the respective Governments by establishing more definitely our relations and intercourse by farther Treaty stipulations. Independent of the high commercial advantages consequent upon reciprocal Treaty obligations, the civil and criminal administration of the laws of the respective Governments would be very much facilitated by properly tempered regulations relative to fugitives from justice, and public defaulters. It is the Presidents wish in presenting this Subject to the Secretary of State of the United States: that you will respectfully, and zealously urge upon the Government of the United States the propriety of clothing the resident Minister of that Government here with power to Negotiate a Treaty with this Government. The facts, topography of the country, and all that appertains to our mutual relations with Northern tribes of Indians it is believed, can be perhaps more authentically obtained here, than at Washington City: Moreover it would be an act of Courtesy at this juncture of our affaires, the tendency of which would inspire renewed confidence in the stability of our relations foreign and domestic. Should the Government of the United States yield to this proposition, it is desirable that the Negotiation should be opened as early in the spring as possible. Your dispatch conveying the intelligence that you had represented to the Government of the United States the facts and circumstances connected with the outrage committed on the person of Gen Henderson by his arrest at New York in the latter part of 1839 has been received, and the President instructs me to direct you to continue to represent in the most respectful, but decisive manner the subject to the Government of the United States, in conformity to your former instructions

Herewith you will receive a copy of a communication from Col William N Porter one of the Representatives from the County of Red River^a giving the evidence of the violation of the Jurisdiction of this Government, an outrage upon the laws and institutions of the same in wholly disregarding the rights and privileges of her citizens compromising the friendly relations between the citizens of the Two Government residing near the line. This outrage it is understood was committed by a man named Ferguson a public officer

^a Dated January 2, 1841. See Part I, p. 474-475.

of the United States. The President feels assured that the Government of the United States will take steps to prevent a recurrence of such outrages, and punish the offending officer in the manner pointed out by her policy and laws. We are in daily expectation of intelligence from Mexico.

With Sentiments of esteem, I am Respectfully your Obt Sert

J S. MAYFIELD

Col BARNARD E. BEE

Chargé d'affaires etc. etc.

MAYFIELD TO BEE.^a

DEPARTMENT OF STATE

City of Austin March 22nd. 1841

SIR

Your Note of the 26th of January ^b the last dispatch received from the legation, was received about the first Inst. when the return of Gen. Lamar to the Seat of Government and resuming the functions of Chief Magistrate induced me to defer addressing you any further instructions. His views were known upon the subject of opening a negotiation with the Government of the United State: for forming a definite treaty of Amity, Commerce and Navigation; and embracing such other objects as may mutually interest both Nations. It is the wish of the President that you should, without delay represent in the most respectful and urgent manner to the Government of the United States the importance of an early Negotiation relative to the several objects contained in my former note, in which the several matters now under consideration and discussion between the two Governments may be embraced, and definitively adjusted upon principles of entire reciprocity. It is moreover the Presidents earnest desire, that should the Government of the United States; accede to the proposition to open a Negotiation at this time; that it should take place at this Capital, as early in the summer as practicable; and that the Minister resident here may be charged with the same, should he not be superseded by another appointment.

You will therefore direct your attention sedulously to this object and independent of any suggestions that have been made, use such other and further reasons, as your judgment may dictate the most likely to secure this end. It is important to the United States as well as to Texas that our relations should be more accurately determined; at least so far as our commercial intercourse and Indian relations are concerned. In the first respect by properly regulated treaty stipu-

^a See Records of Department of State (Texas), Book 38, pp. 169-170.

^b See Part I, pp. 476-477.

lations, many of those apparently unimportant causes, but of frequent source of contention and which sometimes ripen into motives for disturbing the harmony of the two Governments, could be wholly removed; and all local or political jealousies, and animosities engendered, or arising on our respective frontiers obviated or allayed: To wit, the right of ingress and egress with the Slaves or body Servants of the citizens of either Government should be established. And by such regulations any conflict of jurisdiction, or violation of the due exercise of it upon the final establishment of the boundary line could be provided against, and means of punishment provided if infringed. The obligations of the respective Governments relative to the Northern Indians would be more specifically settled, in the event of a disposition being manifested by any of their tribes to disturb the peace and harmony of either of the two Governments.

Our respective frontiers might be prevented from becoming the seat of an extensive system of smuggling alike injurious to the morals of the citizens and the true interests of both Governments.

These hints are thrown out, that you may fortify yourself with some arguments that might not otherwise occur to your mind; and doubtless you will be able to urge other and more cogent ones than here indicated; for relying upon your zeal and the lively interest you have ever manifested for your country, it is confidently expected that you will not fail to impress upon the Government of the United States the necessity of an early negotiation on this subject.

For whatever motives of policy or reasons may have existed heretofore to suffer our relations to rest upon the doubtful and contested interpretation of the treaty with Mexico and the treaty of recognition; our position has materially changed; being, as we are, on the eve of carrying into execution our treaties of Amity, commerce etc. with England and Holland, which may be found to change in some points our former relations with the United States. Judge Webb will leave in a few days for Mexico. If you can procure the correspondence between Mr Adams and Don De Onis relative to the boundary in 1818-19. It is desirable you should send it to him at Vera Cruz.

I avail myself of this occasion to renew to you assurances of my high consideration and esteem. Respectfully your Obedient Servant.

J S. MAYFIELD

Hon.

BARNARD E BEE

Washington City.

FLOOD TO MAYFIELD.^a

LEGATION OF THE U. S. OF N. A.

TO THE REPUBLIC OF TEXAS

City of Austin March 25th 1841

SIR—

The undersigned Chargé d'affaires of the United States of North America to the Republic of Texas, conceives it an imperious duty he owes the Government of his country, superadded to the respect he must ever entertain for the sacredness and inviolability of the law of Nations, to apprise his Excellency the President of the Republic, through the Honorable Secretary of State, of an outrage, which the undersigned believes to be flagrant in its nature and premeditated in its character.

On the afternoon of yesterday, the Hon Alphonso De Saligny Chargé d'affaires of the King of France, whilst in the act of visiting my family, at my lodgings, and when within the enclosure of the yard, was rudely and violently assaulted by Mr Richard Bullock of this City.

I need not say to His Excellency the President, or the Honorable Secretary of State, that the indignity thus offered—voluntarily and premeditatedly—is as sensibly felt by the undersigned as it must be by the Honorable Chargé himself.

The undersigned from the well known and acknowledged character of his Excellency the President, for uprightness, intelligence and integrity—and from his laudable desire to harmoniously cultivate the relations that must exist between Nations allied by Treaty stipulations, and in the absence of which all intercourse must cease—doubts not, for a moment, he will promptly direct strict^b measures to be taken for the redress of the grievances complained of, as are due to the parties and in consonance with the universally acknowledged Law of Nations.

It is due to Mr Bullock to say, he called on the undersigned this morning, and disclaimed, in the most earnest manner, any intention on his part, to offer an indignity to the undersigned or his family. He certainly knew the Honorable Chargé of France, visited no one in his house-hold but the undersigned and his family, and those visits daily in their character.

^a See Records of Department of State (Texas), Book 41, pp. 436-487.

^b This is possibly the copyist's error for "such"; or it may be that "such" was simply omitted.

The undersigned begs to assure the Honorable Secretary of his continued regard and trusts that harmony peace and good will may long characterize the course between their respective Governments.

The undersigned has the honor to subscribe himself

Very Respectfully

Your Obt. Servt.

GEO H. FLOOD.

To the Hon

JAS S MAYFIELD

Secy of State etc.

MAYFIELD TO FLOOD.^a

DEPARTMENT OF STATE

City of Austin March 29th 1841

SIR:

The undersigned has the honor to acknowledge the receipt of your Note of the 25th Inst complaining of an "outrage flagrant in its nature and premeditated in its character" as it is alledged, inflicted in the afternoon of the 24th Inst on the "Hon A De. Saligny Chargé d'affaires of The King of France, whilst in the act of visiting your family" at your lodgings and when within the enclosure of the yard, who was rudely and violently assaulted by Mr Richard Bullock of this City.

From the statements contained in your note; as also from the relation of the affair complained of, as given by Mr. Saligny, in the note which I had the honor to receive from him of the same date the indignity as alledged appears to have been solely directed against the Hon. Mr Saligny without reference to Mr Flood or his family

The President however much he may regret the occurrence of that evening, and the acts complained of which for a time might seem to threaten a disturbance of that cordial and harmonious feeling which he hopes will ever characterise the relations of those Governments, which have given such unequivocal proofs of their friendship and sympathy for the Government of Texas as the United States and France; cannot conceive nevertheless how the subject can form the just ground of complaint upon the part of Mr. Flood. For it appears that Mr. Bullock "disclaimed in the most earnest manner, any intention on his part to offer an indignity to the Hon Chargé d'affaires of the United States or his family."

The undersigned regrets that an occasion should have arisen, which could for a moment [have] induced Mr. Flood, to feel himself identified or embraced in a question involving alledged outrages upon the person and household of Mr Saligny Chargé d'affaires of France;

^a See Records of Department of State (Texas), Book 38, p. 175-176.

which has grown into a matter of serious complaint and anxious solicitude.

I avail myself of this occasion to renew to Mr. Flood assurances of the great consideration with which I am Very respectfully

Your Obt. Servant

J S. MAYFIELD

Hon GEORGE H FLOOD

Chargé d'affaires. U. S.

FLOOD TO MAYFIELD.^a

LEGATION OF THE U. S. N. A.

REPUBLIC OF TEXAS

Austin March 31st. 1841.

SIR:

I have the honor to acknowledge the receipt of your note of the 29th instant in answer to mine of the 25th.

I am wholly at a loss to understand by what process of reasoning or even construction of language you arrive at the conclusion that I feel myself "embraced in a question involving alleged outrages upon the household of Mr Saligny Chargé d'affaires of France"—for on no occasion have I expressed an opinion in relation to any difficulty between citizens of the Republic and the "household" of the Honorable Chargé of His Majesty, the King of France. I must therefore, most respectfully decline the position [in which] your note assumes to place me, in relation to this matter.

In my communication to you of the 25th, I complained of but a single circumstance—the unwarrantable attack of Mr Bullock upon the person of my distinguished guest, while in the act of visiting my family at their lodgings. The indignity, I thought, reflected quite as much upon me as it possibly could upon Mr Saligny, and in this opinion I hesitate not in believing the Government of my country will sustain me

I extremely regret His Excellency, the President, "cannot conceive how the subject can form the just ground of complaint upon the part of Mr Flood" for shortly after the transaction occurred he both entertained and expressed a different opinion.

I again renew the assurance of my continued regard and have the honor to subscribe myself.

Very Respectfully Your Obt. Servt.

GEO. H. FLOOD.

To the.

Hon J. S MAYFIELD

Secy. of State etc. etc.

^a See Records of Department of State (Texas), Book 41, p. 489.

MAYFIELD TO BEE.^aDEPARTMENT OF STATE
City of Austin 20th April 1841.

SIR

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of your dispatch of the 7th of March last,^b which together with yours of the 25th^c of January have been submitted to the President for his determination thereon. For the reasons suggested by you, it was deemed advisable to defer the further discussion of the subject of our Indian relations, and the matters connected with that question until the new administration of the United States came into office. That event having occurred the President wishes you immediately to call the attention of the Government of the United States again to that subject. By reference to the discussions that have at various periods been held relative to the Treaty of 1831 with Mexico,^d it will be seen that the United States Government, has uniformly when her interest was involved assumed the position, that that Treaty in all its parts was binding and obligatory upon the Republic of Texas. Without questioning the rules of international law, which could admit of such an interpretation of the Treaty, this Government acquiesced in the position assumed; and in 1838 by a proclamation of the President the provisions of the 5th and 6th Articles of that treaty were declared in force and have been observed by the authorities of this country to the great detriment of our revenue.

Under the Construction given by Mr. Forsyth to the 33rd article of that Treaty Texas would not be receiving an equivalent, for the sacrifices she suffers in her revenues; by allowing Vessels belonging to the United States to enter our Ports free of Tonnage duty. To arrive at a fair interpretation of that instrument the whole should be construed by its several parts and articles, by which means its true spirit and intention may be more accurately defined. It will be found that concessions, and privileges are contained in many of its clauses and provisions in many of its articles of which there cannot be found a sufficient guarantee or equivalent secured in the same article. This naturally arose from the relative strength, commerce, and political condition of the contracting parties at the time of making the Treaty, as will be seen by reference to the articles cited.

The United States at the time had an extended commerce, and heavy Shipping. Mexico on the contrary (and with but remote prospects of improvement) was limited in her commerce, and yet more in

^a See Records of Department of State (Texas), Book 38, p. 178-181.

^b Amory to Mayfield, of the date given. See Part I, pp. 481-484.

^c The 26th; the dispatch is Bee to Lipscomb of this date.

^d See *Treaties and Conventions of the United States*, etc., 664-675.

her shipping. The mutual guarantee then as to tonnage and other charges enumerated in the "5th and 6th" articles of the Treaty cannot be said to secure to Mexico an equivalent, as it was apparent and must for years Continue that the whole trade of Mexico with the United States upon the Gulf would be carried in American bottoms.

Again the United States was established in all the Departments of the Government. Union and harmony prevailed throughout the whole, with a large standing Army, and an Organized Militia, and overflowing Treasury. Mexico on the other hand, was cut up into political parties, distracted in her Military Strength and organization. She evidently sought to secure to herself an equivalent in the 33rd Article of the Treaty for the advantages obtained for the American shipping interest in the 5th and 6th articles of the same. Independent of those considerations, the United States was bound upon principles of Justice aside from any treaty stipulations upon the subject, to guard the Government of Mexico, her citizens, or territory from hostilities or incursions from those various tribes of Indians, which by her policy she was establishing on the immediate borders of the latter. Taking this view of the subject, which it is believed is the just one, supported by the relative military and political position of the contracting parties, as well the natural and political obligations reciprocally resting upon both parties, it is difficult to conceive how the words of that instrument can admit of the construction given by Mr Forsyth, or in what respect the Executive of the United States is wanting "the legal power to check or restrain by force the voluntary and peaceable Migrations of Indians" etc.

The 33rd article imposes several distinct obligations, and embraces as many distinct stipulations. It is first agreed "that the two contracting parties, shall by all the means in their power maintain peace and harmony among the several Indian Nations who inhabit the land adjacent to the lines and rivers which form the boundaries of the two countries." This first stipulation, of itself implies too plainly to be misunderstood, the exercise of Military force, should it become necessary to answer the objects contemplated, "peace and harmony among the several Indian Nations who inhabit etc" by all the means in their power which become unnecessary words unless force for the accomplishment of the end sought could be resorted to.

The next clause of the Article however it is believed leaves no room for a doubt, or obstacle in the interpretation or just understanding and intention of the two contracting parties relative to the obligations reciprocally imposed by that article; for as will be seen it is farther stipulated "The better to attain the objects of maintaining peace and harmony etc" both parties bind themselves expressly to restrain by force all hostilities and incursions, on the part of the Indian Nations living within their respective boundaries. Here then is an

express and palpable stipulation of the most sacred and binding character, as between nations, to reciprocally, not only to restrain by force all hostilities, but incursions "Voluntary and peaceable" or of whatever kind, of the Indians living within the respective boundaries of the two Nations. If such a restraint is not held over the Indians belonging to the United States, it may be asked, in what manner can that Government fulfil the obligation imposed by that Treaty if binding between the Government of the United States and the Republic of Texas, when in the same article under discussion they bind themselves not to suffer their Indians to attack the Citizens of the United Mexican States nor the Indians inhabiting their territory" unless by a resort to force to confine them within the limits designated by the former Government or their future abode under the policy adopted by that Government in the removal of the Several tribes west of the Mississippi? Otherwise the territory of Texas might easily become the hunting grounds of the numerous hordes of Northern Indians established on our immediate borders through the policy of that Government, and our citizens an easy prey to the tomahawk and scalping knife of the restless savage, and their property a luring bait to the enactment of scenes appalling to humanity and the United States a witness to the scene, and not an arm extended to stay it; because the Migration of the Indians to our territory was under the guise of a voluntary and peaceable removal, and their "nomadic habits interposed obstacles to the restraining of them within their own territory and the limits designated them. From the well known character of the various Indian Nations, it has long since been amply demonstrated to the American people that persuasions and treaties have had but little influence in curbing (with some exceptions) the wild and savage habits of those tribes; and that a ready, or absolute demonstration of force, has alone been adequate to restrain them from predatory warfare, and predatory incursions upon their neighbors. All of which considered, it is not conceived that the treaty by any construction of language or rules for the interpretation of treaties is admissible of the construction intimated by the Government of the United States.

The undersigned has been thus full, without resorting to all the arguments that might be adduced which must readily suggest themselves to your mind, as the President is solicitous that the discussion of this question should be definitely determined, and the extent to which the United States will go clearly ascertained. It will be recollected that she has on a former occasion in 1836, claimed I believe the right of occupying the territory of Texas with an armed force, in order fully to enable her to fulfil the obligations (as it was alledged) imposed upon her by the article in question.

The President however with a view to guard against all future contingencies as well as to secure to the Government of Texas a just

reciprocity and correspondence in her political and commercial relations, deems it advisable that the necessary preparatory measures should be adopted to put a termination if binding at all to the stipulations of the treaty so far as relates to commerce and Navigation. This line of policy becomes the more imperative since the Government of the United States evades as it is believed the plain and obvious obligations pointed out in the 33rd article of the Treaty. In the opening of Spring we may again expect predatory bands of Indians from the United States, to prevent which this Government is not advised that the Government of the United States have taken any precautionary measures.

Persuasions have hitherto had but little influence over the Indians residing on our borders. Besides under the present system, our revenue is materially crippled, and our duties placed upon a basis highly detrimental to the public interest. In view of all the circumstances I am directed by the President, to instruct you, to formally notify the Government of the United States; of the intention of this Government to terminate the stipulations of the Treaty so far as relates to "Commerce and Navigation". This notification you will give in Conformity to the 34th article of the Treaty, confining your attention to the objects therein specified.

The President approves of the correspondence you have opened with the Chevalier d'Argaiz Envoy extraordinary and Minister Plenipotentiary of her Catholic Majesty the Queen of Spain;^a and desires that you will keep the Government informed of the nature, and spirit with which the propositions have been received, by the Government of Spain independent of the considerations urged in your communications to the Chevalier d'Argaiz. Texas would become an active Competitor in furnishing to Spain, and Cuba, many of those articles of import which are now monopolized by other quarters of the Globe.

You will receive as soon as the disposition of her Catholic Majesty is ascertained detailed instructions to guide you in a negotiation alike important to the Commerce of Texas and Spain. In the mean time you will endeavour to obtain the earliest information consistent with the relations you bear to the Chevalier d'Argaiz.

Herewith you will receive the petition of Doctr Robertson of this City relative to the capture of his Negroes. It is believed that the stipulations of the 33rd article of the Treaty will cover this case; as by the laws of Mexico Slavery was not tolerated. This subject you will call the attention of the United States to, and urge the propriety of taking efficient measures for the restoration of the slaves mentioned. It will be seen from the multiplicity of cases accruing, giving rise to the mutual interpretation of both Governments that the Government of the United States will not longer delay entering into a negotiation

^a See Amory to Secretary of State, March 7, 1841, Part I, p. 481-484.

defining by express treaty stipulations the commercial and political relations of the Two Governments; more particularly when the Treaty alluded to it is subject to such doubts, and interpretations as seem to have been placed upon it.

We have received advices from Gen Hamilton to the 3rd March.^a Judge Webb has sailed for Mexico, and we anticipate that he will receive a favorable reception, and [that there will be] a speedy termination of our difficulties with Mexico. The President will convene Congress about the middle of June; which fact you will communicate as speedily as possible to Gen Hamilton.

I have the honor to be with sentiments of regard,

Very Respectfully

Your Obt Servant

J S MAYFIELD

To

Col BARNARD E BEE

MAYFIELD TO AMORY.^b

DEPARTMENT OF STATE

Austin April 24th 1841

SIR

Intelligence reached us to day of the melancholy event to the United States in the death of Gen. William Henry Harrison late President of that Government. In honor to his Memory, and to the Government over which he presided as Chief Magistrate only for the brief period of one Month, until death relieved him of his cares, our flag is flying at half mast, and salute Guns are firing every thirty minutes, until sunset. Col Bee's letter of April 6th to Judge Burnet^c mentions his intentions of visiting the South until the extra session. In the mean time the President directs that you will seduously urge upon the Government of the United States the necessity of immediately opening the negotiation for a treaty. This Department is not yet notified that the attention of the Government of the United States has been called to the Subject. If it is concluded on the part of that Government to open the negotiation at Washington it is important that this Department should be speedily informed thereof, in order that the necessary instructions should be forwarded to the Legation at Washington City.

The reasons that have hitherto been furnished you, together with the reasons connected with the difficulties attending a due understanding of the stipulations of the treaty, will it is hoped, together

^a See Hamilton's letter of that date in the Correspondence with France.

^b See Records of Department of State (Texas), Book 38, p. 181-182.

^c This letter has not been found.

with such arguments as may naturally be suggested to your mind, enable you to induce the Government of the United States to enter at once upon the negotiation, whereby it is believed our relations can be more satisfactorily determined, and upon principles of entire reciprocity.

In your intercourse with the Secretary of State, you may find it more advantageous, and better calculated to facilitate a determination of the question to seek as often as possible a personal interview, and discuss the question verbally with Mr Webster, taking care always to reduce to writing the substance of the conversation held at such interviews.

The difficulty of answering or replying to any objections that may be taken, and of discussing the details of any given question by written communications, renders the discussion prolix and tedious; and in this matter it is becoming a question of no inconsiderable importance not only to the agricultural and commercial interest of this country, but particularly so, as far as relates to our revenue, and the Indians on our borders.

These remarks are thrown out as hints; as the manner of conducting the discussion of this question must be determined by you. It is desirable that you should not fail to communicate the earliest information of the conclusion of the Government of the United States on this Subject.

I am Dear Sir, with sentiments of esteem,
Your, Obt. Servant

J. S. MAYFIELD.

TO NATHANL AMORY

Secretary of Legations Washington City.

SECRETARY OF STATE OF THE UNITED STATES [WEBSTER] TO EVE.^a

ROBERTS TO BEE.^b

DEPARTMENT OF STATE
City of Austin June 21st 1841.

SIR

Soon after assuming the duties of Acting Secretary of State several communications from Mr Amory of the 12th, 14th, 19th, 23rd and 30th April^c were received from Mr Mayfield who was then at Houston and who stated in his letter accompanying them, that he had "answered them" but omitted to send to the Department a

^a June 15, 1841. See Eve to Waples, February 27, 1843, in Correspondence with the United States.

^b See Records of Department of State (Texas), Book 38, p. 192-195.

^c That of the 12th was from Bee. For all, see Part I, pp. 484-494.

copy of his reply, having accidentally left it at Galveston. Presuming that Mr Mayfield's reply to your several Communications was full upon every point, on which you wished for information or instructions, I do not consider it necessary to do more than acknowledge their receipt.

More recently Mr Amory's communication of the 20th May,^a has been received. The formal announcement to the Government of the United States contained in that letter, of the resolutions of this Government to terminate the Treaty of the 5th April 1831, between the United States and Mexico, so far as it is binding upon the United States and Texas, in all matters relating to Commerce and Navigation, as soon after the date of said communication as is compatible with the provisions of the 34th article of said Treaty, renders it highly important that a substitute should be provided at as early a day as possible. It seems quite evident from what has fallen from Mr Webster in the personal interviews you and Mr Amory have had with him, that he will not consent that the treaty should be made here. It will therefore be of vast importance to us to know distinctly, as far as you can ascertain by conversations with Mr Webster, or otherwise, which, or how many of the principal features we wish to incorporate in the Treaty, they will make most difficulty in granting and what will probably go without question. There seems to be three distinct and separate heads or branches, under the one or the other of which, every topic that will probably enter into the contemplated treaty will be naturally considered. Viz: 1st. The free Navigation of the border rivers, The Sabine and Red Rivers to the Sea, 2nd Our Indian Relations, 3rd Our Commercial and Maritime relations on the high Seas.

This Department is not informed, whether the Government of the United States will contest the first point or not, but as it is one of great and growing importance to a very large and wealthy portion of our citizens, it should no longer be permitted to remain in doubt. In a similar case in the early history of the United States, the position which that Government took is well known, one of the very first questions which was raised after the close of their Revolutionary war with Spain, was upon the subject of the Navigation of the Mississippi. The position then assumed by all the Diplomatic Agents of the United States, who had occasion to touch upon this subject, was their "natural right to the free Navigation of the Mississippi to its entrance in to the sea."^b The Congress too on several occasions, asserted their claim in strong and emphatic language. One resolution particularly may be mentioned. On the 16th Sept 1788 the United States in Congress assembled, Resolved "That The free Navigation of the Mississippi is a clear and essential right of the

^a See Part I, p. 494-496.

^b Cf. *American State Papers, Foreign Relations*, I, 251-263, *passim*.

United States, and that the same ought to be considered and supported as such". And in the resolution which followed, a stop was actually put to the negotiations with Spain and the whole matter referred to Congress, because of the unwavering pertinacity with which Spain Clung to her claim of the exclusive right to the use of that river.

The conduct pursued by the United States throughout that controversy, is a matter of history to be found in all their public records. And as their claim there was founded in reason and supported by strong and unanswerable arguments, it is presumed its reasonableness, will not now be denied.

The position which the United States then occupied towards Spain, we now occupy towards her *precisely*, as far as the Navigation of the Red river is concerned. As regards the free Navigation of the Sabine, the question is a little varied; but not it is thought materially. The United States own to the Western bank below the 31° ^a N latitude, above that the River is entirely our own, so that our claim is stronger in this case than in the former. In fact the bare supposition that our right to the free navigation of the Sabine will be questioned, seems a violent one, and the only object to be attained in introducing it into the Treaty is to shut up the door against all future doubt. I have not been able to ascertain whether the right of this country to the free navigation of the red River has ever yet been formally called in question by the Government of the United States; but murmurs and complaints from among our own citizens begin to be frequent of seizures and detentions of Texan produce by the authorities of the United States above and below Natchitoches. Our settlements on the upper part of the Red River renders it necessary that this matter should be definitely settled, at the very earliest possible date. The right to the free navigation of this River ought never to be abandoned. The Mode only of exercising it should be specified in the Treaty.

In regard to our Indian relations, it would be difficult it seems to me, to place them upon a fairer or more equitable footing than the one they already occupy in the 33rd article of the Treaty between the United States and Mexico, which Treaty both Texas and the United States have tacitly acknowledged to be mutually binding. A little more precision might perhaps be given to certain expressions in it, if there be any reasonable doubt as to their true meaning, a doubt which however, I have never entertained myself. In this I perceive I differ with Mr Mayfield who thinks that the word "incursions" as used in the Treaty means "peaceable" as well as "warlike" incursions—an interpretation which I think is Contradicted by the Context. I do not conceive however that it matters much which is the true interpretation. The Treaty will expire in May next at any rate,

^a Properly 32° .

and before that time it is hoped a new one will be formed. The mutual obligations of the two Governments to restrain their Indians from making war or committing depredations upon the citizens and property of their neighbors, is to my mind a natural one. It follows of course from their claims of sovereignty. The Indians residing within the limits of the United States, and under their avowed jurisdiction, are, so far as all foreign powers are concerned, "Citizens" of that Country, and no nation will be permitted to enquire into, or intermeddle with, the manner in which they are governed, and that every government is bound to restrain their Citizens from making war on a friendly power, needs only to be asserted to be universally accorded. The Same reasoning is of course equally applicable to this Government. If this principal be acquiesced in by the United States, there can be no serious difficulty in the way in pointing out in what manner restraints shall be exercised. When Indians are at peace with the power, within whose limits they reside, and make war upon the other contracting power, it ought to be the bounden duty of the former, to send such a Military force against such Indians, as will be sufficient to disarm them, and to capture the principal offenders, who should be given up for punishment to the aggrieved party. And if such Indians are pensionaries of the power within whose limits they reside, their pensions ought for a limited period to be cut off, and remuneration made for the damages done by said Indians. But if any tribe or tribes of Indians are first at war with the power within whose limits they reside, and afterwards make war or hostile incursions upon the territory of the other contracting party, all that either party could in justice require of the other, would be the sending of such a Military force against them as the protection of their own territory and Citizens would demand, without being held responsible for any property taken off or destroyed by the Indians. One other point only presents itself on this subject Viz: the obligation on the part of the United States to remove such of their Indians from our territory as have emigrated from theirs.

We may well insist that this duty on their part is clear and unquestionable so far as relates to all such Indians as have come into our territory since our separation from Mexico, as well as to those who came here prior to that period without the sanction or permission of the Supreme power of Mexico and this upon such obvious principles that it is not thought necessary [to] enumerate them. But that there is another obligation on the part of the United States to remove such as came here by permission of the Mexican Authorities, anterior to the date of our declaration of Independence, and while we were yet of course an integral part of the Mexican Confederacy, may well be doubted; and by the last administration of the United States I recollect, was expressly denied. How far the present

administration will be willing to go, will be for you to ascertain, which may best be done, at personal interviews with the Secretary of State.

There seems no necessity of specifying by name, what tribes of Indians are meant to be included in the Treaty. The principle once settled, will embrace *all* residing in the respective limits of the two Governments.

As regards the Third principal point, little need be said about it in this letter, which is intended rather to direct your attention to the particular subjects to be considered in the contemplated Treaty, than to instruct you conclusively and finally on them. This could not be done at all, without risking an inconsistency in the instruction given by this Department, until a copy of Mr Mayfield's last communication to you is obtained,^a and ought not to be done until this Department is better informed of the views entertained by the government of the United States on some of the most important points. Entire reciprocity is all that either government ought to, and I presume does expect. What amounts to reciprocity has been so long, and so well settled by numerous Commercial Treaties between different nations, that there are few or no principles left in doubt.

It seems but fair that as the United States are to have all the benefit of treating at home, where they can have frequent reference to the proper Departments for information and instruction; that we should be entitled to something like an equivalent. It is proposed therefore, that the Government of the United States, after being fully advised of the principal points which this government desires to settle by the Treaty, submit a sketch of such a Treaty as they are willing to make to you as the representative of this government. The only advantage we could expect to derive from their compliance with this proposition, would be, that it would save much time, as the fewer points there are left in dispute, the less time will be required to settle them. We offer, provided they will consent to make the Treaty at Austin, to do what we require of them.

It is hoped that as soon after the receipt of this letter as possible, you will give this Department all the information you may be able to obtain upon the different subjects presented, as well as the answer of the United States Government to the last proposition.

In whatever this letter may conflict with Mr Mayfield's last communication to you from Galveston, this must yield, and his will be your instructions, the reasons for this is obvious to you.

The Santa Fé expedition took up the line of march from the encampment on Brushy, distant about twenty miles, on the morning of the 20th Inst. The Military under Command of Brevet Brigadier

^a Mayfield's last communication on the subject seems to have been from Galveston (see the first paragraph of this letter), but it has not been found.

General Hugh McLeod, consists of five companies mounted infantry and one of Artillery. A caravan of Merchants with goods suited to the market drawn in waggons accompanies the expedition under the protection of the Government. The instructions given by this Department to the Commissioners are to the effect. That they are to endeavour to prevail upon the people of New Mexico residing within our limits, to submit quietly and peaceably to an incorporation with us, and to acknowledge our right of Jurisdiction to the fullest extent. This being accomplished our revenue laws are to be put in force at once and a small Military force kept up there for the purpose of repelling any sudden attack of the Mexicans or Indians.^a A Commissioner is also appointed to reside at Santa Fé as the representative or agent of this Government, with special instructions for his guide.^b No further alterations are contemplated either in their laws or form of Government, than are absolutely necessary, from the alteration in their affairs, by a change of their allegiance. It is expected that a part of the expedition will return to this City as early as the 15th of Novr. next, and will probably bring delegates to our Congress.

I neglected to mention above one other subject which it would be well to sound the United States Government upon. I mean the granting by each government to the Citizens of the other a free introduction of a limited number of slaves when taken as servants, for the purpose of attending on their masters or owners, and not for hire or sale. This is a delicate topic and will therefore require very nice management. You must exercise your own Judgment in ascertaining what effect the introduction of such a feature into the Treaty, would have upon it in the Senate. It would not do to hazard the whole Treaty for the accomplishment of an object comparatively insignificant. I only call your attention to this, as I have to the other topics embraced in this letter, reserving more particular instructions, for Mr Mayfield on his return to the Seat of Government.

I have the honor to be

Very Respectfully

Your Obt Servt.

SAML. A ROBERTS

Acting Secy of State.

To Hon BARNARD E BEE.

Washington.

^a For the instructions, see Roberts to Cooke and others, June 15, 1841, in Correspondence with Mexico.

^b See Roberts to Cooke, June 15, 1841, in the Correspondence with Mexico.

ROBERTS TO BEE.^a

DEPARTMENT OF STATE

July 8th 1841.

SIR:

Since my last letter to you, Mr Amory's favor of the 12th ult. has been received to which no particular reply is necessary. We are anxiously expecting further advices from you upon the subject of the contemplated Treaty. The President is extremely anxious to have that business closed before the meeting of Congress if possible, and at any rate before the expiration of his term of office. A Treaty upon a basis of strict reciprocity cannot be a bad one, and with no other guide you might confidently proceed to the discussion of the different articles. The protracted absence of Mr Mayfield has prevented any more specific instructions than the hints contained in my Communication of the 21st June last.

I have reason to believe that some of the original drafts of our earliest public papers were taken on to Washington City, and are now on file in some of the Departments there, probably the war [Department]. The journal for several days of the proceedings of the Convention, The original Constitution etc. are all missing

These papers if there, will doubtless be given up with pleasure by the Government of the United States. The mode of making the application, can be best judged of by you. Your particular attention is called to it as a matter of interest in the future history of this Country.

I enclose a communication for Genl. Hamilton^b which I wish forwarded by first safe opportunity. The letters and the papers accompanying it are left unsealed that you may first read them. They will fully advise you of all that has transpired up to this time. When I wrote last night to Gen H. I thought I should accompany Genl Lamar to Galveston. I think now it will not be necessary. Genl Lamar will go down alone, and either he or Judge Webb will inform Gen Hamilton of all that will be necessary for him to know.

I have the honor to be with high regard

Your Obt Servt

SAML. A ROBERTS

Acting Secy of State.

The Hon

BARNARD E BEE

^a See Records of Department of State (Texas), Book 33, p. 196-197.

^b Roberts to Hamilton, July 5, 1841. See Correspondence with Great Britain.

ROBERTS TO EVE.^a

DEPARTMENT OF STATE

City of Austin August 11th 1841.

SIR.

I had the honor of receiving this morning your letter from Galveston of the 31st Ult. addressed to the Secretary of State, with the papers mentioned to be enclosed in it.^b

Unfortunately our Mail arrangement is such as to leave but one entire day between its arrival and departure, which usually renders it impossible to do any more than to acknowledge by the return of the post, the receipt of any communication of the important character which yours possesses.

It will however be immediately laid before the President, and I flatter myself, that such order will be taken respecting the subject of your request, as will prove satisfactory to you.

I avail myself of this occasion to tender you assurances of my distinguished consideration,

SAML. A ROBERTS

Acting Secy of State

HON JOSEPH EVE

*Chargé d'affaires of the
United States.*

ROBERTS TO EVE.^c

DEPARTMENT OF STATE

Austin August 17th 1841.

SIR:

Your communication of the 31st ult, the receipt of which was acknowledged in my note to you of the 11th Inst. has been submitted to the President and I have his instructions to make the following reply.

Among the papers accompan[ing] that communication is a certified copy of an indictment "found by one of the Criminal Courts for the State of Louisiana" against one Mero Philips for stealing two negro Slaves in the said State of Louisiana, and who, it is alledged, has "fled with them to the Republic of Texas".

In a subsequent part of your communication you say—"In the absence of a Treaty stipulation with the two Governments, upon the subject of fugitives from justice, I am aware that the surrender of Philips cannot be claimed as a matter of right. It has however been understood and believed in the United States that the Government

^a See Records of Department of State (Texas), Book 38, p. 197.

^b For the letter and enclosures, see Part I, pp. 504-506.

^c See Records of Department of State (Texas), Book 38, p. 198.

of Texas, from feelings of comity which exist between the two Republic's, would not be disinclined to surrender to the proper authorities fugitives from justice from the United States," and that you are "therefore instructed by the Government of the United States to request through you (me) that the Government of Texas surrender the said Moro Philips to the proper authorities of Louisiana." Whatever may be the "feelings" which this Government entertains on this Subject, the avowal of the accredited agent of the United States on a recent occasion, when making a similar demand of this Government, "that the Executive of the United States is not empowered to deliver Criminals to foreign Governments in the absence of Treaty stipulations to that effect"^a would of itself be amply sufficient to justify the President in refusing to comply with your request even if his constitutional right to do so, was clear and unquestionable; for it surely cannot be expected of one nation, to exercise an act of international courtesy, when it is distinctly informed beforehand that the same act, under similar circumstances would not be reciprocated. I do not mean now to intimate, what course this Government would have pursued if the case had been differently presented. I know of no public act or declaration on the part of this Government, which authorizes the inference that it (the Government) would not be disinclined to surrender to the proper authorities, "fugitives from justice from the United States" nor indeed do I understand you as deducing your inference from any such authority. If I am mistaken in this you will correct me. But even then the President would feel himself clearly absolved from any obligation he might otherwise have felt himself under, by the official avowal of the policy as above quoted, which the Executive of the United States would pursue in like cases towards this Government.

In no view of the case does the President then feel that he is called on to deliver to the United State, Moro Philips, who, it is alledged, is a fugitive from justice; and I am therefore instructed by the President to inform you that he declines, for the reasons above given, complying with your request.

It affords me much pleasure Sir, to furnish you with a copy of the Treaty between this Government and France, as you request. It is sent with this Communication.

I avail myself of this occasion to renew to you assurances of my high regard and consideration.

SAML A ROBERTS
Acting Secy of State.

Hon JOSEPH EVE
Chargé d'affaires. U. S. A.

^a See Flood to Burnet, February 12, 1841, Part I, pp. 478-479.

ROBERTS TO BEE.^a

DEPARTMENT OF STATE

Austin 7th Sept 1841.

SIR:

Your communication of the 31st July was received by the last Mail, and with it, a copy of your note to Mr Webster on the subject of the contemplated treaty with the United States.^b A short time previous to this, yours of the 13th July to this Department^c also came safely to hand. In this last you mention that you are entitled to a reply from Mr Webster to your note of the 19th May relative to Indian encroachments.^d This subject is becoming a very interesting one to the people of this country, and it is earnestly hoped, that you will receive a speedy and satisfactory reply from the Government of the United States. Doctor Robertson whose negroes, you will recollect, were taken by the Indians, and were subsequently found to be held by persons residing within the territory of the United States (the evidence of which was furnished to you from this Department on the 20th April) has already gone to great expense in the pursuit of his property; and has been damaged, by the loss of time etc. to an amount, that even a prompt restitution of his property could not repay. But if it is delayed much longer, the chances of finding the negroes again will be very much diminished, and their value greatly lessened by the idle and dissolute^e habits which negroes so readily contract from a long residence with savages. It is particularly desirable therefore, that this subject should not be permitted to slumber, but that you should press as earnestly as would be becoming, for an answer.

Mr Webster's reply to your communication of the 13th^e April remonstrating against the violation of our territory by a deputy Marshall (Ferguson) of the state of Arkansas, a copy of which was enclosed in your despatch of the 13th July, if not altogether satisfactory, is at least all that we could reasonably demand under the peculiar circumstances of the case. It is of the less importance in a National point of view, as the like cannot well happen again. The boundary line is completed, and the officers of neither Government can hereafter plead ignorance upon this point.

From your communication of the 31st July, I learn with regret that Mr Webster will probably adhere to his first resolution as to the place of negotiating the Contemplated Treaty. The press of business in his Department and the heavy demands upon his time

^a See Records of Department of State (Texas), Book 38, p. 199-202.

^b For both, see Part I, p. 506-513. The note to Webster was dated July 27.

^c See Part I, pp. 499-501.

^d The note was written by Amory. For an extract see Part I, p. 496; for the remainder, Part I, Calendar.

^e This should be the 12th. See Part I, pp. 484-485.

will not permit him to give the subject that constant attention which we so much desire; and I much fear the negotiations will be protracted beyond the constitutional term of the present administration. Nothing remains however, but to use all diligence in urging it forward in Washington with all possible despatch.

Your note of the 27th July to Mr Webster, has been carefully read by the President and receives his approval. You were not mistaken in supposing that this Government would claim the right of *entrepôt*; or of transshipping their produce from some point on the Mississippi, free of all charges except the ordinary ones of Storage, wharfage etc. when the produce is to be sent to a foreign country for sale or traffic. What point the Government of the United States may think proper to assign to us for this purpose is not very material (though an eye should certainly be had to its convenience) The *principle* is what we are most concerned about. In my communication to you of the 21st June,^a I did not it is true, mention this as one of the principal heads of the contemplated Treaty. I regarded it, as you have rightly conjectured, as *included* in our claim of the right of *free navigation* of the Red River to its entrance into the sea, and it is so essential to a full exercise of that right, that it is difficult to conceive how it could be supposed to *exist* without. It would in fact be manifestly absurd, to concede to us the right of *free navigation*, and in the very same instrument assert the right of taxing us upon the transhipment of our produce into vessels calculated for the sea; which, from the unfitness of the river craft for the navigation of the ocean, would always have to be done. It involves an absurdity of terms, for how can that navigation be said to be *free*, when we are compelled at some point to pay the duties exacted by the impost laws for all goods introduced into the country? There can be no need of a Treaty to secure the right to us (I mean the right of importing into the United States all of our produce upon paying the duties thereupon) for we already enjoy it, in common with all Nations who are on friendly terms with the United States. Nor do I conceive that it ought to make any difference whether we employ as our carriers, Texan or American bottoms or bottoms of a third power. You recognize none I perceive in your communication to Mr Webster, though in your letter to this Department, you make a distinction between American bottoms and our own

If the United States have it in contemplation as you seem to intimate, to deny to this country the right of *entrepôt*, they, would be much more likely to do so, if it was believed by them that we were to be our own carriers, while the prospect of opening a new channel to the enterprise and industry of American Ship owners could not

^a In this series of *addenda*.

fail to operate as an inducement with that Government to grant our demands. I do not apprehend therefore that you will find any difficulty in negotiating for the right to tranship in American bottoms, if they concede to us the right to tranship in our own. As concerns bottoms of third parties, it is more a subject of Treaty between the United States and such parties than between us. You will however be authorized and expected to see that nothing enters into the Treaty on this subject, which would be injurious to the interests of our citizens.

Until the receipt of your last communication I did not apprehend much difficulty in settling with the United States the free navigation of the border Rivers to the Sea. That is the last nation that ought to question that right, for no other has taken such strong ground in favor of the principle, or been more consistent in maintaining it. In addition to the references I have already cited you to in proof of this, you have but to turn to her diplomatic correspondence to find volumes to the same effect; Besides This I do not think you will find it difficult to establish that it is now the settled law of nations as recognized by most, if not all the leading powers of Europe, *That navigable Rivers are public highways*, when they rise in one country and empty into the sea, in another, so far at least, as the country in which they rise is concerned. I well recollect reading in a Newspaper a case of this kind, which was settled some two or three years ago, in some of the European Governments, (I have forgotten which) nor have I as you know such books as would assist my memory; but this I well recollect, that the *principle* was said to be extended beyond the rule laid down at the Congress of Vienna. Should it be necessary you will probably be able to find the authority last alluded to in the libraries of some of the Legations in Washington.

This question is one of vast importance to us, and I have therefore devoted a large share of my letter to it. It remains now, only to instruct you concerning the conclusions to which the President has come after a mature consideration of the subject in all its bearings.

He directs then, that unless the United States concede to us the right of freely navigating the border Rivers, and of transhipping whatever we may have for export, free of all tariff and impost duties, and the right of landing and storing our produce when vessels are not in readiness to take it off, by paying the customary charges for wharfage, storage etc. that you be instructed to enter into no Treaty at all upon *this* subject. It is one upon which this Government can make no compromise without inflicting a lasting injury upon that portion of our inhabitants residing on or near the border Rivers; and at the same time jeopardizing a great national right, the enforcement of which, as soon as its importance is felt, and the principles upon which it rests are understood, will be demanded by every

voice of the Nation. We had best therefore, meet the question at once. No Government ever can, without the loss of National honor, stand by and see her citizens stripped of a "right", which, to quote the language of the Congress of the United States on a case precisely similar, is "*clear and essential*" and one that would be weak enough to allow it, could never be sustained by a free people. We have as little doubt of our right, as the United States had of theirs when contending with Spain, for the free navigation of the Mississippi.

In all your intercourse therefore with Mr Webster, whenever the navigation of the border Rivers is the subject, you will always represent the *free navigation* and the *right of entrepôt* as a Sine qua non. If both of these points are not conceded, you will not be authorized to consent to any arrangement concerning the navigation of the Red River particularly (for the Sabine stands on a different footing) by which by the remotest implication, there is any abandonment of the *principle* we have set out with.

If it is found to be impossible to incorporate our demands on this head in the Treaty; then that entire branch of the subject must be left open, and your attention will be turned to the points mentioned in my former communications, and your note to Mr Webster of the 27th July.

If we are balked in so essential a feature of the Treaty as the free navigation of the border Rivers, it will be difficult to make any Treaty which will be satisfactory to this nation. Under these circumstances therefore, too long a period for its duration ought not to be fixed upon. The navigation question must come up again and that before very long; when it will be desirable to have the subject open for discussion. Perhaps the United States, would consent in the treaty (in case you do not come to some understanding now) to leave this particular subject open for discussion at an early period. I only suggest this, leaving it to your discretion whether you will avail yourself of it, or not.

Your omission to say anything to Mr Webster on the subject of introducing slaves from one Country to the Other, when travelling with their owners, as servants, is perhaps, upon the whole well. There cannot however be any objection to ascertaining the views of the Government of the United States upon this subject, which may be best done in personal interviews. If that Government seems much averse to such a stipulation, you ought not to hesitate to abandon it; but if it is a matter of indifference, with them, the opportunity ought not to be lost of securing a privilege, the want of which is so serious an inconvenience to the citizens of both countries.

I have not complied with your request to "draw out in full form such a convention as our Government is desirous of intering into," for the reason that it would be almost a miracle if such an one would

not be so changed and altered in various ways before it could be made entirely acceptable to the United States, that it could hardly be recognized as the one furnished by the Government; besides this it rarely happens that your first demands are all acceded to. You must then fall to a second and frequently to a third. If the Government should furnish a project of a convention, it would of course, embody its first demands on every point, and if not accepted in that Shape, which it would not often be, it would be of little use beyond supplying a form, for which of course you do not feel at any loss.

I enclose as you request a copy of the Treaty with France. This, with those you already have, will be excellent guides in many particulars.

A separate commission to make the Treaty is also enclosed. I knew the necessity of this; and soon after coming into office, made some enquiry about it, and was left under the impression that full powers for this purpose had been conferred upon you.

I think now you are well informed on all the points of a material character that we desire to arrange with the United States. There are of course minor ones, such as enter into all treaties, that have not, been dwelt upon. They are referred to your judgment and discretion.

I cannot close this communication without mentioning the anxiety of the President to accomplish this negotiation with the United States so as to lay it before the Congress at its meeting in November, or at least, before his term of office expires.

I have the honor to be
Your Obt Servt

SAML. A ROBERTS
Secretary of State

Hon BARNARD E BEE
Chargé d'Affaires
etc. etc. etc.

HOUSTON TO EVE.^a

EXECUTIVE DEPARTMENT,
City of Houston, 30th, July, 1842.

Hon. JOSEPH EVE.

SIR—Your note of the 27th instant, relative to the Brig "Retrieve", reached me at a moment when it was not possible for me to reply.^b

I regret that any difficulty should have arisen as to the cruise. So soon as it is possible to look into the matter it shall be done; and whenever the government is able to do so, all just remuneration will be made to the captain and owners. To what extent will be proper, I am unable to determine.

^a See Records of Department of State (Texas), Book 40, p. 135.

^b This probably refers to the letter of Eve to Waples of the given date (See Part I, pp. 572-573). If there was a separate letter to Houston, it has not been found.

To day I directed the Acting Secretary of State to write to you upon the subject, so far as facts are in his knowledge, at the same time to assure you that at this time the country has not means, to meet the demand, if it should be found just and right to do so when it is able.

With perfect respect,

I have the honor to be your obt. servt.,

HOUSTON TO ROMAN.^a

SAM HOUSTON, in the name and by the authority of the Republic of Texas, to His Excellency A. B. ROMAN, *Governor of the State of Louisiana*, of the United States of America: Greeting:

By virtue of a communication received from E. W. Moore, Esquire, Commanding the Texas Navy, under date of the 7th. instant, I am placed in possession of a correspondence between your Excellency and himself, relative to certain individuals, refugees from justice, who are charged as mutineers on board the schooner San Antonio, a Texian vessel of war, and as murderers of one of the officers of said vessel during the month of February last, then in the Port of New Orleans.

The names of the individuals are Seymour Oswald, T. D. Shepherd, J. Allen, William Barrington, James Hudgeons, William Simpson, Edward Keener, Benjamin Pompilly and Edward Williams, who are now held as prisoners in the State of Louisiana.

Your Excellency is hereby requested (and a respectful demand is made) to deliver to Commodore E. W. Moore the above named men, and all who may be implicated in order that they may be dealt with in accordance with the laws which they are charged to have so grossly violated.

Given under my hand and the Great Seal of the Republic, at the City of Houston, the 12th. day of September, A. D. 1842,
L. S. and of the independence of the Republic the seventh.

HOUSTON TO ROMAN.^b

SAM HOUSTON, *President of the Republic of Texas*,

To His Excellency, A. B. ROMAN, *Governor of the State of Louisiana*, one of the United States of America:
Greeting:

Whereas the government of the Republic of Texas, hath received due and authentic information, through the despatches of Commodore

^a See Records of Department of State (Texas), Book 40, p. 144.

^b *Ibid.*, p. 155-156.

E. W. Moore, commanding Texas Navy, under date of the 14th. instant, that a certain individual, named Antonio Landoit, is at present a prisoner in the State of Louisiana aforesaid:

And whereas, also, the said Antonio Landoit stands charged with having committed the crime of mutiny on board the Schooner San Antonio, a Texian vessel of war, at the time lying in the port of New Orleans; and also as a murderer of some of the officers of said vessel, and who is now a refugee from justice:

Therefore, a request (and respectful demand) is hereby made upon His Excellency, the Governor of the said State, for the person of the said Antonio Landoit, to be delivered over to Commodore E. W. Moore, commanding as aforesaid, to be dealt with as the laws which he is charged to have so grossly violated may prescribe.

In testimony whereof, I hereunto set my hand and affix the great seal of the Republic. Done at Washington, the 29th. day
L. S. of October, in the year 1842, and of the independence of the Republic the seventh.

Correspondence for 1843-1846.

HOUSTON TO [ROMAN].^a

[Requesting the surrender of an "individual, calling himself by the name of Poufief, Pouief, alias" ———, charged with murder in Texas.]

EVE TO JONES.^b

EVE TO WEBSTER.^c

VAN ZANDT TO ARCHER.^d

VAN ZANDT TO JONES.^e

Dispatch No 94

LEGATION OF TEXAS
Washington City, 11th Jany
1843

To the Hon

ANSON JONES

Secretary of State of Texas.

SIR

I have the honor to acknowledge the receipt this morning of your communication of the 23rd ultimo informing me of the appointment of a time and place for the meeting of the several Indian tribes or their chiefs for the purpose of entering into treaty stipulations with the Government of Texas for the securing and maintaining a permanent peace with these tribes, with instructions to immediately call the attention of the Government of the United States to the subject that a commissioner or commissioners might be appointed to act in conjunction with the commissioners on the part of Texas to effect this object and by which the United States should become a party to such treaty or treaties that might be concluded between the parties. In obedience to your instructions I have hastened to lay this subject before the President and Secretary of War in a personal interview

^a January 2, 1843. See Records of Department of State (Texas), Book 40, p. 187-188. Roman, whose initials are A. B., was governor of Louisiana.

^b A. L. S., January 2, 1843. See Calendar of Correspondence with the United States in Part I.

^c January 7, 1843. See Calendar of Correspondence with the United States in Part I.

^d January 10, 1843. See Van Zandt to Jones, March 13, 1843.

^e L. S.

which I have just had believing that to be the better method, that I might explain more fully the objects of the Government of Texas. The result of this interview I submit for your consideration.

The measure is highly approved of by the President and Secretary of War and the greatest solicitude is manifested by them both, to co-operate with the Govt of Texas in her efforts to secure peace with the Indians and give security to the frontiers of both countries; but it is the opinion of the Secretary of War that it will not be possible for this government to send its agent with the necessary instructions in time to enable him to reach the Waco Village by the 9th to 20th of February that it would require several days for the Secretary to examine the subject and prepare the instructions of the department to the Agent which should govern him, that, in fact the leading features of the arrangements to which this Government was to become a party must be specifically set forth to the agent in his instructions and beyond which he would not be authorized to act. The secretary then proposed to submit the same to me for examination and discussion so soon as he should determine upon the different points. The secretary informed me that Mr Armstrong who is the general Indian Agent in that quarter was the individual who would be appointed as commissioner; that his residence was at Fort Gibson and that thirty days would be required to communicate with him, adding five days to prepare his instructions and twelve days for his traveling to the Waco Village would bring it to the 25th of February as the shortest time possible at which he could be expected to meet the commissioners on the part of Texas with the Indians. The Secretary then urged the propriety of a postponement of the Council untill some time in the spring. To this I replied that it was important that no disappointment should be had. One disappointment having already occurred should we neglect the present opportunity we could not rely upon another meeting with any degree of certainty and further that anticipating the renewal of active hostilities with Mexico during the early part of the ensuing spring, it was highly necessary to Texas to secure peace with the Indians in advance. Upon urging these with other considerations the Secretary of War agreed to take up the subject forthwith and forward the instructions as early as possible with directions that the Commissioner should delay no time in repairing to the appointed place. I do not think it possible for the Commissioner to reach the Waco Village before the 25th of Feb or 1st of March. I have said to Mr Spencer the secretary of war that I thought it possible that the Indians might be detained untill that time. I therefore hope that our commissioners will be informed of these facts that they may act accordingly. It is certainly of the highest import that the United States should become a party to such treaties as may be concluded with the Indians, and that every effort should be used to detain them untill the arrival of Mr Armstrong the United States

Commissioner. For this reason I have hastened to lay before your department these facts in relation to it.

I am a little surprised and much regret that not one word is said in your communications in relation to the movements of the forces under Genl Sommerville,^a the action of Congress, the measures of the Government or anything whatever save the subject of the contemplated Indian treaties. With the greatest deference to the department I do think that I should have some information from the Government upon such important subjects. Under the instructions of your department I have been charged with negotiations of several important matters, towards their accomplishment I hope my efforts have not been wholly unavailing especially those which relate to our relations with Mexico and which are directly connected with the movements of our forces against that country. Surely to a proper discharge of my duties it is important that I should not only be informed upon these matters but that such information should come from a source upon which I might rely, not the vague rumor of a partisan newspaper for this is the only opportunity I have had lately to learn anything of Texas.

I am satisfied that it is only necessary to call your attention to this subject. The known intelligence and experience of the Secretary of State while acting as the Texian Minister here I hope will be found as sure guarantees that in future I shall at least receive a passing notice from his department.

I have not time to communicate other matters which I desire as I want to get this in to-days mail. On tomorrow I will forward another despatch to your department in relation to the interposition of this Government. I will however take occasion to remark here that a movement having been made against Mexico it will alter very materially the measures proper to be taken by this Government. Every measure should now be used to sustain the efforts of Gen Sommerville by reinforcement or other means within the power of the Govt—the news last night from Mexico says that they are on the eve of a certain revolution, the expedition to Campeachy would likely fail—the rumor at Vera Cruz was that 3000 Texians were on their march for the Rio Grande and every effort was making to *give a good account of them*

In great haste I have the honor to be with great respect

Your Obt. Sert.

ISAAC VAN ZANDT.

P. S. Please remember me to the President and Genl Terrell

P. S. Mr. Serruys the Belgian Charge d'[Affaires] and Baron Bodisco the Russian M. Plent.y requests me to present their respect to the Sec of State.

thine

V. Z.

^a Somervell.

EVE TO JONES.^a

* * * * *

P. S. Your note of the 24th of December, upon the subject of the money advanced by General Thompson, to the Santa Fe prisoners has been received I am much gratified at the prompt manner with [which] the President brought this subject before Congress.

Very Respectfully your Obedient Servant

JOSEPH EVE

[Next is transcribed a copy of the resolution of the Choctaw Council, October 7, 1842.]^b

 VAN ZANDT TO WEBSTER.^c

 CRAWFORD TO ARMSTRONG.^d

 JONES TO DAVENPORT AND TO LOOMIS.^e

 EVE TO WEBSTER.^f

 SPENCER TO VAN ZANDT.^g

 SPENCER TO WEBSTER.^h

 WEBSTER TO VAN ZANDT.ⁱ

^a A. L. S., January 11, 1843. For the letter and accompanying transcript, see Calendar of Correspondence with the United States in Part I. The postscript, which has not hitherto been printed, is given here.

^b See Armstrong to Crawford, November 4, 1842, in Calendar of Correspondence with the United States in Part I.

^c January 12, 1843. See Calendar of Correspondence with the United States in Part I.

^d January 12, 1843. See Van Zandt to Jones, January 20, 1843.

^e January 13, 1843. See Van Zandt to Jones, January 20, 1843.

^f January 15, 1843. See Calendar of Correspondence with the United States in Part I.

^g January 17, 1843. See Van Zandt to Jones, January 20, 1843.

^h January 17, 1843. See Van Zandt to Jones, January 25, 1843.

ⁱ [January 20, 1843.] See Van Zandt to Jones, January 25, 1843.

STIPULATIONS FOR TREATY WITH TEXAS INDIANS.^aVAN ZANDT TO JONES.^b

Dispatch No. 95

LEGATION OF TEXAS

*Washington City**Jan'y 20th. 1843*

HON ANSON JONES,
*Secretary of State of the
 Republic of Texas*

SIR

In a former dispatch which I made to your department you were informed that I had laid before the Government of the United States the information, which I had received from your department, relative to a youth named — Lyons, who had been captured in the county of Fayette, and now supposed to be among the Osage Indians.^c I have now the honor to transmit to your department the measures taken by this Government to procure the restoration of the youth to his friends and country by submitting a copy of the note recd. from the War department together with copies of instructions sent from the proper offices of that department, which are as follows—

“WAR DEPARTMENT *Jan'y 17th. 1843*

SIR

I respectfully transmit herewith copies of instructions that have been given from this department, in relation to the reclaiming from the Osage indians the Texian white boy refered to in your communication to the Secretary of State, a copy of which was transmitted by him to this Department.

With great respect Your Obt. Servt

J. C. SPENCER”

HON ISAAC VAN ZANDT
*Chargé d'affaires of the
 Republic of Texas, Washington [City].”*

WAR DEPARTMENT, OFFICE
 INDIAN AFFAIRES *Jan'y 12th. 1843*

SIR

Information having been communicated to the State Department by the Chargé d’Affaires of Texas that his Government had been

^a See Van Zandt to Jones, January 20, 1843.

^b L. S.

^c Cf. Van Zandt to Webster, December 30, 1842, in Calendar of Correspondence with the United States, in Part I.

informed by a gentleman residing among the Osage indians west of the State of Missouri that a youth some twelve years of age who had been captured by indians in the county of Fayette Texas named — Lyons is now among the Osage indians and within the limits of the United States, I am requested by the Secretary of War to instruct you to inquire for the captive lad above mentioned and to obtain his release, and when released to place him in charge of the commandant of Fort Gibson or Fort Towson, to be kept until called for by an agent of the Texian Government.

You will therefore please to give the necessary instructions to the subagent of the Osages, with as little delay as practicable and urge his immediate and dilligent attention to the release of young Lyons and to the further instructions contained herein.

Very respectfully etc

T. HARTLEY CRAWFORD

Maj WM. ARMSTRONG, *acting*
Superintendent etc, Choctaw Agency
West of Arkansas.

“ADJUTANT GENERALS OFFICE

Washington [City] Jany 13th. 1843

SIR—It has been represented to the Secretary of State by the Chargé d' Affaires of the Republic of Texas that a youth some twelve years of age who was captured by the hostile indians in Fayette county Texas named — Lyons is now within the limits of the United States, among the Osage indians.

Instructions have been given by the Commissioner of Indian affairs to the proper agent to obtain the release of the boy and to deliver him to the commanding officer of Fort Gibson or Fort Towson. If the captive be brought to your post, you will take charge of him until called for by an agent of the Texian Government and report the fact to this office.

I am sir very respectfully Yr Obt Servt

R. JONES
Adjutant Genl.”

Col. W DAVENPORT *6th. infy comg*
Fort Gibson.

Lieut Col. G LOOMIS *6th. infy comg*
Fort Towson”

In order to carry out the measures adopted by the Government of the United States for the restoration of the youth, it will be proper to appoint some person at as early a day as possible, to act as the agent of the Government of Texas at Fort Gibson or Fort Towson

In a conversation which I had with the Secretary of War, upon this subject, he informed me that during the last summer he had communicated to Major Reily information, which had been recd. by the War Department, of the release of two boys who had been purchased from the Comanches in the west of Arkansas, at the instance of the indian agents in that quarter, and who had been captured by the indians in Texas. The Secretary also informed me that a description of the youths had been furnished to Maj Reily, that the same might be communicated to the Texian Government. He further informed me that these youths were under the charge of the United States authorities, and that he was very anxious that measures should be taken by my Government to receive them. He also informed me that two hundred dollars had been paid for each of these boys, and that it would be expected, that the Government of Texas would refund that amount, besides the ordinary expenses of transmission and maintenance. If this matter has not yet received the attention of your Department, I hope that it will meet your early consideration and action.

In my communication to the Department of State of the United States I informed that Department that I was authorized to draw upon the Government of Texas for the ordinary fees (only) of subsistence and transmission of the captive boy — Lyons. In a conversation with Mr. Spencer Secretary of War upon this subject he informed me that they had invariably paid to the Indians, various amounts as purchase money which it was expected the Government of Texas would refund, and desired to know of me if I was authorized to draw for such sums so paid: I replied that I was not; that I conceived such a policy was calculated to stimulate the indians to make captives, instead of repressing their aggressions, but that this matter should be laid before my Government, and that I entertained the opinion that so far as money had been expended, by the United States, in good faith, the same would be refunded: while, I was satisfied that Texas would deprecate the establishment of such a policy. I desire the instructions of your Department upon this subject, and hope to receive them at as early a day as possible.

In my last dispatch you were informed that the United States Government would forward instructions to a proper commissioner, who should repair immediately to the Waco Village to join at the earliest day possible the proposed Indian Council, which is to meet at that place. I have now the pleasure of informing you that the instructions have been dispatched to Pierce M Butler Esq their Indian agent in the West of Arkansas, who is duly authorized to represent the Government of the United States, in that council. His instructions are not such as I conceived the most desirable for the interest of Texas, but yet, I hope if carried

into effect will prove beneficial to Texas. I desired that the Commissioner might be authorized to conclude a treaty in the nature of an alliance, or upon such terms, as that the United States might become a guarantee for the fulfillment and observance of the stipulations concluded between the Indians and Texas. These several matters were submitted and discussed in the Cabinet meeting and dissented from by the Government. The objections urged were, that it was contrary to the policy of the United States to form alliances of such character with any power, and that such a provision would hazard the ratification of the treaty by the Senate of the United States. I herewith transmit you a copy of stipulations which are to govern the United States Commissioner—they are based upon the supposition that a treaty is first concluded between Texas and the Indian tribes, to which the United States is a witness, and at the conclusion of this treaty the United States, Texas and the Indians agree to these stipulations, the first of which is not reciprocal in its character, and which I informed the Secretary of War, I thought would not be agreed to by Texas, but he desired that the same might be submitted to my Government, for its consideration, while Mr Butler would be directed not to insist upon its adoption, unless desired by the Govt of Texas. Should it be objected to, he is authorized to agree to the subsequent stipulations, and omit the first. The preamble and stipulations are as follows,

“Whereas, there are sundry tribes of Indians inhabiting the country in and about Red river, which constitutes the boundary line between the United States of America and the Republic of Texas, who are migratory and are sometimes found within the territories of one Government, and at other times in the territory of the other making each in time an asylum and shelter from pursuit, and whereas with a view to establish peace with the said Indians and to secure the inhabitants of Texas from the incursions and depredations to which they are exposed, the Government of that country has invited a number of the said tribes to meet in council commissioners on the part of Texas, and has also requested the Government of the United States to be represented at such council, and whereas in pursuance of such invitation Delegates and Chiefs from the following tribes have assembled at the village of Waco on the Brazos river, namely, Comanches etc etc, and certain articles of a treaty of peace and friendship between the people of Texas and the said tribes have been agreed to and concluded.

The United States of America being desirous to promote peace on their own borders, and to render all the aid which common interest may require to prevent depredations upon the persons and property of their own citizens as well as the inhabitants of Texas, have been

represented at the conclusion of said treaty by their commissioner for that purpose, Peirce M. Butler Esq, their Indian Agent for the Cherokees, who in their behalf has witnessed the execution of the said treaty. Now it is hereby stipulated and agreed by and between the said United States of the first part, the Republic of Texas of the second part and the Chiefs Braves and Warriors of the said tribes of indians of the third part as follows.

First.

That the Indians of the several tribes represented by the Chiefs, Braves, and Warriors who signed this treaty will not commit any depredations on the property or any injuries to the persons of any whites, Indians, or others living within the jurisdiction of the United States and entitled to their protection, and that if any property is wrongfully taken from the territory of the United States, or any persons entitled to their protection are captured by the said indians, or any of them, they will on demand restore such captives and such property or will pay the full value of such property, and that upon neglect or refusal to comply with this agreement the United States by their officers agents and soldiers may pursue such property and captives and retake them by force of arms, although they may happen to be within the territorial limits of the Republic of Texas.

Second.

In case any of the said Indians shall bring into the territory of the United States any property or persons wrongfully taken, within the limits of Texas, the United States engage to render all the aid in their power for the return of such property and captives, and for the seizure of the offenders who may have brought them within the territory of the United States, and they will deliver up to the authorized agents of Texas such property and captives and the offenders so seized, if such offenders usually inhabit within the limits of Texas, and if they usually inhabit within the limits of the United States, then, the United States will cause them to be proceeded against and punished in the manner provided by their laws; the Government of Texas furnishing proof of the facts that may have taken place within its jurisdiction.

Third. In like manner the Government of Texas engages to render all the aid in its power for the recovery and return of any property or persons that may have been wrongfully taken by the said Indians, or any of them from the territories of the United States, and carried into the dominions of Texas, and will cause the persons and property so captured to be delivered to the authorized agents of the United States, and will cause the offenders to be seized and delivered up to such agents, if such offenders usually reside within the limits of the United States, but if they usually reside within the boundaries of

Texas, then the Government of Texas will cause them to be proceeded against and punished in the manner provided by their laws; the United States furnishing proof of the facts that may have occurred within their limits.

(Conclusion of stipulations)

Should the proposed treaty be concluded, and any of the tribes that become parties to the same be Indians of the United States, alone, it will be necessary to guard against that portion of the preamble, which sets forth that these tribes are migratory in their character, and by which the United States might obtain an acknowledgment upon the part of Texas, that these Indians were not of the character which the United States were already bound to restrain. And here permit me to call your attention to a fact, which has presented itself to my mind, which seems to be unknown to the Secretary of State, or if known seems to be wholly disregarded by his department. It is important that I should know the views of my Government in relation to it. I allude to the fact, whether the treaty between Mexico and the United States, or any part of the same, is held to be binding upon Texas, or upon the United States so far as the same may have related to Texas. By the 34th article of that treaty I mean the treaty of 1831, it is provided after eight years from its ratification the same may be terminated by either party giving notice to the other of its intention so to do, after twelve months from the date of said notice. From the instructions of Mr. Mayfield late Secretary of State of Texas to Mr. Bee, with the communication from Mr. Amory Secretary of Legation, who wrote in the absence of Mr. Bee, to Mr. Webster Secretary of State of the United States, which communication is dated the 19th. of May A D 1841, I learn the facts which have induced me to believe that, that treaty has ceased to exist except the provision of amity. I submit the following extracts which have induced this conclusion.

[Here follows an extract from Mayfield to Bee, April 20, 1841,^a beginning with the words, "I am directed", and ending with the words "to the 34th. article of the treaty"; and one from Amory to Webster, May 19, 1841,^b beginning with the words, "the undersigned is instructed", and ending with the words, "article 34 of said treaty".]

I hope to hear from your department the views of Government in relation to this subject.

I have at length succeeded, three days ago, in obtaining a copy of the treaty now pending before the Senate. Some of its main provisions I fear are in jeopardy. I allude to the 4th. and 5th. articles. At the suggestion of Mr. Archer I have hastily drawn up unofficially,

^a See Correspondence with the United States, Additional letters, above.

^b See Correspondence with the United States, Part I.

for the committee on Foreign relations, of which he is chairman, some of the leading arguments which I conceived most likely to present the treaty in a fair light before the Senate and impress that body with the importance of its ratification. The communication is somewhat lengthy which prevents my sending you a copy. I endeavored to impress the committee with the opinion that if these leading features were rejected the fragments would not be worth preserving. The late internal difficulties in Texas, and the dissensions among ourselves I regret to say have added much strength to the opposition which is arrayed against this treaty, and I have no doubt have caused much of the timidity and reluctance manifested by the United States in the formation of an alliance or triplicate treaty with the Indians for our mutual protection as before alluded to, while it has induced the public mind to rely with less confidence in the Institutions of our country. If those individuals, who scatter the seeds of discord, knew their baleful effects upon our interests abroad, I feel confident that they would sacrifice their motives of personal ambition upon the altar of their common country, and unite with a single purpose under the Single Star for the welfare of the whole nation. The old United States Bank, and some of its agents, who are in possession of certain Texian bonds, which were purchased by them, are making a heavy effort against the ratification of any treaty. I have collected all the important facts in relation to these matters, and placed them in possession of Senators, who are willing to act upon such matters as concern the mutual welfare of both nations in a proper and unprejudiced light.

In my last dispatch I said to your Department that in the course of a day or two I would write further upon the subject of the interposition of this Government. Since the date of that communication, I have had frequent conversations with the President and Secretary of State upon this subject, which were principally of a strictly confidential character, in regard to which, I am only permitted to say that this Government, influenced by the most laudable desire to restore peace between Mexico and Texas, will not fail to use every means within its power, consistent with its honor and high standing as a nation, to bring about this desirable result. And here permit me to direct your attention to the importance of withholding from the public eye, so much of my dispatch No. 93 as relates to this subject.

It is important, as I conceive, for the interest of Texas that she should settle down upon some policy to which she will strictly adhere, as far as circumstances will permit, during the pendency of hostilities with Mexico. We should determine to act exclusively upon the defensive, or determine upon the more vigorous course of making war upon Mexico by all the means which we could bring to our aid.

Had the Government persevered in confining its operations at home, I am satisfied that the measures, taken to arrest the predatory warfare that had been carried on upon our borders, would have proved entirely successful, and that, in future we should have had nothing to dread but a formidable invasion of such a character as would have been likely to test by a trial at arms the comparative strength of the two nations. Such an invasion, however, might have been delayed by the revolutionary movements in Mexico, and the hostilities now going on between that country and Yucatán, while such delay, with the attendant uncertainty which would hang over our affairs, might have continued to retard our advancement, and consequent prosperity that must exist upon the restoration of peace and the termination of our difficulties. The Government, however, having given its sanction to the partial invasion of the Mexican territory, with a view of retaliating for the many injuries which Mexico has inflicted upon us, must stand justified in the sight of every impartial mind, though this change of policy will materially affect the measures which the United States would have conceived herself justifiable in taking while our operations were confined at home. Having commenced offensive operations, (though necessary to our defence,) the whole powers of the Government should be united in their prosecution. I think the war, (and my opinion meets with the unanimous concurrence for their *sic*) is scarcely a dissenting voice to be found of all the intelligent men with whom I have conversed since it was positively known that Genl. Sommerville^a had gone to the Rio Grande,) should be prosecuted not only with vigor but the greatest severity, and that Mexico should be made to feel the effects of that vengeance which has long been restrained; and that interest and safety may prompt her to the acknowledgment of that which her disregard of right and justice has withheld.

I am still without information respecting the movements of the army, and await with great anxiety the receipt of intelligence concerning them.

The intelligence which has recently reached here, of the movements of Commodore Jones of the American squadron on the coast of California, in taking possession of Monterey a Mexican town near that coast, has created some sensation and various surmises are afloat of its probable effects upon the relations of the two countries. In a conversation which I had two days since, with a diplomatic functionary, who is on terms of great intimacy with Genl. Almonte Mexican Minister, the opinion was expressed by that gentleman in the conversation alluded to, that the Mexican Government would likely withhold a portion of the indemnities, which she has lately agreed to pay to the United States in order to indemnify herself for the dam-

^a Somervell.

ages sustained by the taking possession of California by Commodore Jones. *Something may grow out of this.*^a

The last accounts from Mexico state that the Congress had dispersed and that the revolution had thus far progressed without bloodshed, and that Santa Anna had every prospect of success.

Through the medium of a gentleman of high standing, who resided many years in the City of Mexico and who is on the most intimate terms with Genl. Almonte, I have been endeavouring to learn the views and policy of the Mexican Government towards Texas, and the prospects, if any, of a settlement of our difficulties. This gentleman has had two or three conversations with Genl. Almonte, in which the latter spoke freely of our relations. As this gentleman is yet prosecuting this matter, and as nothing definite has yet been learned, I will reserve this subject for a future communication.

Trusting that I shall soon have the pleasure of hearing from your Department I have the honor to be with the highest sentiments of regard

Your Obedient Servant

ISAAC VAN ZANDT

JONES TO VAN ZANDT.^b

[Relative to the way in which the war with Texas is carried on by Mexico.]

VAN ZANDT TO WEBSTER.^c

WAPLES TO EVE.^d

VAN ZANDT TO JONES.^e

Despatch No. 96

LEGATION OF TEXAS

Washington City Jan'y 25th. 1843

To

Honorable

ANSON JONES

Secretary of State

SIR

I have the honor to acknowledge the receipt two days since of your despatches of the 25th. 26th. 28th. and 30th. ultimo. The several matters embraced in all which have received my prompt attention.

^a See *House Exec. Docs.*, 27th Cong., 3d Sess., V (Serial No. 422), 166; Webster, *Works*, VI, pp. 460-462.

^b January 23, 1843. This letter is not in the archives; but the same letter, *mutatis mutandis*, was sent to Ashbel Smith, for which see Correspondence with Great Britain.

^c January 24, 1843. See Van Zandt to Jones, January 25, 1843.

^d January 25, 1843. See Calendar of Correspondence with the United States in Part I.

^e L. S.

Your instructions in a former despatch, and repeated again in your dispatch of the 25th. ultimo, with regard to the appointment of a commissioner to represent the United States at the proposed Indian Council, which is to meet at the Waco Village on the Brazos river, has sometime since received my attention and you were informed in my dispatch No. 95 of the success of my efforts.

So soon as your last despatches were received, I immediately called upon the President and Secretary of State of the United States, and laid before them the intelligence, in relation to the course intended to be pursued by the British and French Governments, upon the subject of mediation, and expressed to them the desires of my Government, that the United States should give the necessary instructions to her minister in Mexico, that a concert of action might be had on the part of these three great powers. The President and Secretary of State both expressed the greatest desire to do all in their power to further the proposed object, repeating at the same time, the facts, which they had before communicated to me, that their minister in Mexico had been instructed, sometime since, to offer to that Government the mediation of his Government in the settlement of the difficulties between Texas and Mexico. Mr. Webster also assured me, that the additional information which I had communicated to him should be immediately transmitted to Mr. Thompson, their minister, renewing at the same time, and urging his attention to the former instructions which had been given him upon this subject. I then told Mr. Webster that I would immediately address him a formal communication upon this subject, which promise I have complied with this morning,^a a copy of which you will find hereto annexed. You will discover in this communication to Mr. Webster, that I did not confine myself exclusively to the points embraced in your instructions, but have alluded briefly to the campaign across the Rio Grande under the command of Genl. Sommerville. I did this upon consultation with Mr. Webster, who promised to send a copy of my communication to Mr. Thompson, that he might show the same to the Mexican Government, should he deem it necessary, and from which he might show that we were driven to such course from motives of self defence, and a desire of peace, and not the acquisition of territory, or a desire to inflict unnecessary evils upon the Mexican people.

From facts which [have] come to my knowledge, I deemed it proper and necessary to make known both to the President and Secretary of State here the fact that General Hamilton was neither directly or indirectly recognized by the Government of Texas, as its agent to transact or negotiate, either treaties, or business of any character, which concerned my Government, nor would the services of that gentleman be employed, by the Executive in any such capacity.

^a The date of the letter to Webster as printed was January 24; "this morning" was apparently the 25th.

These facts I informed the President and Secretary of State were founded upon the instructions from your department.^a

I have lately received a communication from the War department through the Secretary of State of the United States informing me of the measures taken by that Government to interdict the trade between the whites and half breeds of the United States and the Indians of Texas, a copy of which communication you will find herewith enclosed. You will perceive in this communication, that the Secretary alludes to complaints which have been made by the Choc-taw Indians against the Citizens of Texas residing upon the border: I am gratified to receive Mr. Benton's letter upon this subject, as it will afford me an opportunity, of showing to the Secretary of War that there are two sides to this case, and that our citizens, if to blame at all, are not alone in the wrong. A copy of Mr Bentons letter will be enclosed to the Department as soon as I have time to write the necessary communication.^b

Since my last dispatch, I have continued to urge the adoption of the treaty lately concluded here, and though I have had to combat, not only, the prejudices arising from our disorganized condition at home, but also the great opposition which arose here, from various sources, and to which I alluded in my former dispatches, I have now the pleasure to inform you, that, I think there is every prospect of a speedy and favorable action upon it by the Senate. I have just had a conversation with Mr. Archer, Chairman of the Committee on Foreign Relations, who expressed to me his entire satisfaction, and promised to make a report on tomorrow morning. The amendment which the President desired to be made, I think I shall be enabled to have effected, though upon this, I could obtain no satisfactory answer, as the Senators with whom I have conversed gave no definite opinion in relation to it.

I learn from Mr. Archer that a communication has been made to the Committee on Foreign Relations of the Senate by the holders of Texas liabilities. The purport of this communication I was unable to learn. Mr. Archer informed me however, that the communication had been returned.

The gratifying intelligence has reached here, both from Galveston and Matamoras, that Genl. Somerville is operating with some effect upon the Rio Grande. I regretted to learn that some of his troops had refused to submit to his orders, and had returned from Laredo. The promptness and determination, which characterized the action, of Genl. Sommerville upon the occasion, has had a salutary influence here upon the public mind. I repeat again the opinion, which I

^a Cf. Jones to Van Zandt, December 25, 1842, in Part I.

^b Cf. Jones to Van Zandt, December 30, 1842; Van Zandt to Webster, February 3, 1843 in Calendar of Correspondence with the United States in Part I.

expressed in my last despatch, (and this view is fully concurred in by the friends of Texas who occupy exalted stations in this country but whose names I am not permitted to give) that every effort should be made by the Government, to sustain this movement of our troops: the greater the effect that is produced, and the more formidable the demonstration that is made, the stronger will be the arguments, which may be used by the powers mutually friendly, why peace should be restored between the two countries.

Mr. Webster informed me in a conversation had with him, two days since, in relation to the interposition which had been formally invoked, by my Government, that so soon, as the result of the expedition to Yucatan was made known, it was the determination of his Government, to make a representation to the Mexican Government upon this subject, in which his Government should be inclined to remonstrate in *strong* language, and that a copy of such communication, when made, should be immediately forwarded to the French and British Governments.

I have the honor to be with high respect

Your Obedient Servant

ISAAC VAN ZANDT

P. S. Please remember me to the President and his good Lady.

[Inclosed are copies of the following:^a Van Zandt to Webster, January 24, 1843; Webster to Van Zandt, January 20, 1843; Spencer to Webster, January 17, 1843.]

EVE TO JONES.^b

LEGATION OF THE UNITED STATES

Galveston January 26th. 1843

The Honble.

ANSON JONES

Secretary of State of Texas

SIR

I have the honor to acknowledge the receipt of your note of the 12th. Instant^c with the enclosed Exequatur for Mr. Smith as Consul of the United States for the Port of Matagorda.

I have recently received a letter from M. E. Hale Esquire managing owner of the Brig Retrieve with an enclosed Duplicate account of charges, for detention, damages, and expenses of that vessel, incurred

^a See Calendar of Correspondence with the United States in Part I.

^b A. L. S.

^c This note has not been found.

in consequence of its seizure by order of the President of Texas. A copy of which I herewith transmit to you

By an examination of the account you will discover that the owners claim (as an indemnification for the loss which they contend that they have sustained) the sum of (\$5,042.50/100) five thousand forty two dollars and fifty cents

In all my correspondence (both oral and written) with this government upon the subject of this claim I have been influenced by a sincere and ardent desire that it should be adjusted in such a way, as to give entire satisfaction to all the parties concerned

In pursuance of that desire and not having then been informed of the extent of the injury which the owners of the *Retrieve* have sustained, I proposed in my note to you of the 30th. of December last to take eleven hundred dollars in discharge of all claims against the Government of Texas on account of the *Retrieve* provided the appropriation was made and the amount paid over, but should this proposition not be accepted and the amount of Damages be left to future investigation the proposition was not to be considered as binding upon Captain Means.

When Captain Means left Galveston he was not apprised of the extent of the injury which his vessel had sustained while in the service of Texas; he was by agreement to have sent me from Mobile the amount of injury so soon as the repairs were made. The first intimation which I have received as to the extent of the damages is Mr. Hales letter.

I have not been informed whither any appropriation has been made at the late session of Congress to discharge this claim, and now ask for the information and if made how much, and when I may expect that it will be paid

With sentiments of high regard and Respect

I have the honor to be

Your obedient servant

JOSEPH EVE

(Copy.)

NEWBURYPORT *December 27th 1842*

Honble. JOSEPH EVE

Charge d'Affaires of the U. S.

Republic of Texas

DR SIR

Upon receipt of the documents from the late Capt. Thomas Means relative to the seizure of the Brig *Retrieve* by the authorities of Texas, while at Galveston, I lost no time in laying the matter before the

Executive at Washington and have been informed by the Secretary of State, that that Department had been previously made acquainted with the subject through you, and that a correspondence had taken place with the Texan Government.

The claim as made up by Capt. Means, and forwarded you from Mobile, amounting to three thousand nine hundred forty two 50/100 dollars, does not embrace all the charges which the owners of the *Retrieve* believe the Texan Government ought justly to allow, and in their account accompanying their Memorial to the Executive they have made such additional charges as seems to them correct, and thinking that you may not have been put in possession of these additional items, beg leave to lay before you a duplicate of the account forwarded to the Department of State at Washington.

In proof of the charge for additional time amounting to eight hundred dollars, I beg to state that the time of the detention of the vessel for repairs is only computed from the 23d July to the 10th. August, Whereas it should have been 32 days more up to the 11th. of September, that being the day when the repairs were completed as appears by Port Wardens survey held at Mobile.

The charge for additional time is proper and reasonable because the vessel was unemployed during said period and the delay and loss were the direct consequences of the seizure.

The owners of the *Retrieve* have not received on account of this loss any compensation either by insurance or otherwise.

I would further state that although the accompanying account is made up from the documents and proofs which have been received, yet the amount falls far short of the whole extent of their loss.

And in consequence of this unlawful and unjustifiable proceeding on the part of the Texan Government not only have the owners suffered severely a heavy pecuniary loss; but it was without doubt the cause of the decease of Capt. Means at Mobile.

The owners therefore rely upon the Government of their Country for protection, and respectfully request that such measures may be taken to afford them relief, and compensate them for their loss, as to the proper authorities of the Government shall seem best.

An acknowledgment of the receipt of this is respectfully requested, and any information as to the progress of adjustment of this matter will be gratefully received.

I have the honor to be

Dr. Sir your Obt. Svt.

(signed) M. E. HALE
Managing owner of Brig Retrieve

Duplicate. Account of Charges; for detention, damages and expenses of Brig Retrieve incurred by seizure pr. order of Sam Houston President of Texas

(Viz) Account of Thomas Means Master of the Brig Retrieve of Charge for detention, damages and expenses, from the 18th. of June 1842 to the 10th of August annexed to Duplicate. \$3.942.50 cents

For additional damages from 10th of August to 11th of September the vessel being detained during that period, to enable Captain Means to complete the repairs, being 32 days at \$25 per day 800.00

For amount of stores on board at the time of seizure and were consumed by the Texans 200.00

For cash paid for fees to magistrates travelling expenses, postage and incidental expenses incurred 100.00

amount claimed \$5.042.50

JONES TO EVE.^a

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
Washington [Texas,] Jan 31st. 1843

Hon. ISAAC VAN ZANDT

Charge d'Affaires of Texas etc. etc.

SIR,

I have the honor to acknowledge the receipt of your despatches Nos. 92. and 93 as also your letter of the 27th. Ulto. transmitting a duplicate copy of Mr. Riley's ^b Dispatch No. 90 the original of which was lost by the wrecking of the Steamer Merchant.

The Treaty of Amity Navigation and Commerce between Texas and the United States negotiated by Mr. Riley has recd. the sanction of the Senate to its ratification both in the original form and with the proposed modification of the fifth article, (as mentioned in my previous communications,) at the discretion of the President.

The Ratification of the Treaty in its original Shape has been signed by the President, and forwarded you by Mr. Daingerfield, who left here for Europe by the way of Washington city last week Should the Government of the United States ratify the Treaty in the same

^a A. L. S., January 31, 1843. See Calendar of Correspondence with the United States in Part I.

^b Rely's.

form you will proceed at the earliest possible period to the exchange of the ratifications with that Government. This step has been adopted in order that no time might be lost in giving effect to the Treaty in case the proposed modification should not be adopted by the United States.

If on the contrary the proposed modification is adopted by that Government, another ratification of the Treaty embracing the same will be signed and sent you for exchange, and the one forwarded by Mr. Dangerfield will be cancelled.

I have the honor to be

with the highest respect

Your obt. Svt

(signed)

ANSON JONES

WEBSTER TO VAN ZANDT.^a

VAN ZANDT TO WEBSTER.^b

JONES TO EVE.

DEPARTMENT OF STATE
Washington [Texas] Feb. 5th 1842^c

Hon J. EVE,

Charge d'affair of U Sts. etc.

SIR

Your communication of the 11th Ult in relation to the claim of Capt Means^d would have received an earlier reply but for the accumulation of business in this Dept. consequent upon the adjournment of Congress, which has necessarily engaged my attention

The amount of eleven hundred Dollars for the use of his vessel and the damages sustained, the President directs me to say is admitted to be just, and that the same will be immediat[e]ly paid out of the appropriation for frontier defence.

The President further instructs me to say he regrets that the only means at his disposal, under the law of Congress are the Exchequer Bills, and that he is not authorized to disburse them except at their par value. The best therefore which he can do is to offer Capt Means the alternative of receiving the amount of his claim in Exchequer

^a February 2, 1843. See Van Zandt to Jones, March 13, 1843.

^b February 3, 1843. See Van Zandt to Jones, March 13, 1843.

^c Should be 1843.

^d The date of the communication was in fact January 26, and that of December 30, 1843, also remained unanswered.

Bills, now, or having the matter referred to Congress for its future action, the power of doing full justice to Capt. Means, resting only with that body.

I have the honor to be with great regard

Your Obt Svt

Signed

ANSON JONES

JONES TO VAN ZANDT.

DEPARTMENT OF STATE,
Washington [Texas,] Feb. 10th. 1843.

To the Hon. ISAAC VAN ZANDT,

Charge d'Affaires of Texas etc. etc.

SIR,

The subject of the annexation of Texas to the United States, in reference to which instructions was given by me to your predecessor Mr. Reily I am happy to learn has claimed your early attention, as notified to this Department in your Despatch of the [23rd of] December last, and I now have the honor to transmit you further instructions in relation to the same.

The proposition which was made to the United States in 1837 and rejected by that Government places Texas in an attitude which would render it improper for her to renew the proposition under existing circumstances and you are authorized to intimate in your verbal intercourse with the Secretary of State of the United States that before this Government could take any action on this subject, it would be necessary for the United States Government to take some step in the matter of so decided a character as would open wide the door of negotiation to Texas, in which event you will be authorized to make a treaty of annexation. For this purpose it would probably be requisite for the Government of the United States to review its former decision upon the proposition made in 1837, and to reverse the same or to take up the subject, de novo, and to submit a proposition to this Government, through you or their Minister here to enter into negotiations to effect this object.

In the event the first course should be adopted you will then inform the Government of the United States that Texas renews the proposition for annexation to that Government, and that you will at an early period be authorized to enter into the proposed negotiation with ample powers to conclude a treaty in the premises.

In case the other mode of procedure is adopted you will be similarly authorized and empowered.

It is believed that the present period is favorable for the consummation of such a Treaty, on the part of this country, the feeling of the people being very unanimous in regard to the same. It would there-

fore seem adviseable that the opportunity should be embraced and without delay to effect an object which under present circumstances is so manifestly intended to promote the best interests of both countries.

Your dispatch no. 95 was received last evening. No. 94 has not come to hand, but is presumed to be in the mail of last week which is yet behind having been delayed by the high water of the Brazos.

As you do not in your dispatch mention, or allude to any letters received from this Department I state for your information that I wrote you officially under dates of the 23d. 25th. 26th. 28th and 30th Decr. and the 23d. and 31st. January last, as also a private letter about the 24th of the last month.

Your request to have a copy of the Laws of Texas sent you has been complied with and the copy forwarded by the Hon. Mr. Daingerfield. Mr. D. was to have left Galveston for New Orleans on the last Steamer, at which latter place he will be delayed some two or three weeks, after which he will proceed to Washington City, on his way to Europe.

So soon as your dispatch No. 94 is received I will address you again in reply to that as well as to the one received last evening

If convenient I wish you to procure from the Post Master General Copies of such blank forms etc etc. as are in use in the General Post Office of the United States; and to forward the same to this Department, for the information of the Bureau of the G. Post Office here

Enclosed I send you the official report made to the War Department by Gen. Somervell ^a which will place you in possession of all the information not heretofore communicated relative to his late unsuccessful campaign.

I have the honor to be with the highest respect

Your very obt Sv^t

(Signed)

ANSON JONES

DAINGERFIELD TO JONES. ^b

NEW ORLEANS, *Feby 14th 1843*

HON ANSON JONES

Secretary of State etc. etc.

SIR

Having finished the business in reference to which I was charged in the city of New Orleans, by the instructions which I had the honour

^a For this report, see *The Morning Star* (Houston), February 18, 1843. The instructions to Somervell, which seem also to have been enclosed (see Van Zandt to Jones, March 13, 1843), were dated October 3, 1842. For these—if they were instructions from Houston—see *The Redlander* (San Augustine), October 27, 1842. It may be, however, that the instructions referred to were given by Secretary of War and Marine Hill. If so, these references will, of course, not apply. Nell's statement, referred to by Van Zandt in his letter of March 13, has not been found.

^b A. L. S.

to receive from you at Washington [Texas,], I shall proceed immediately in obedience to the same instructions to the capital of the United States to put myself in communication with Mr Van Zandt and to deliver him the treaty entrusted to my care.^a I have the honour to remain very respectfully

Yr most Obedt Svt

WM HENRY DAINGERFIELD
Minister Chargé D Affaires etc. etc.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
Washington [Texas] Feb. 16th 1843

Hon. ISAAC VAN ZANDT

Charge d' Affaires of Texas etc. etc.

SIR,

The Commissioners appointed by this Government, Viz. Messrs. Terrill^b Black Durst and Williams left some time since for the Waco Village to hold the Council with the various tribes of Indians, assembled there and unless the high waters of the river have prevented, it is presumed that the Council is by this time nearly ready to commence its deliberations. By a letter recd. from Gen. Terrill at Franklin on the Brazos and written, a few days since, the most confident expectations appear to be entertained by that Gentleman that a Treaty will be made and peace established throughout all Texas between us and the red man. No intelligence of the arrival of Gov. Butler, the U. States Commissioner has as yet been received, and the presumption is that he will come direct from Arkansas to the Waco Villages. A copy of that part of your dispatch No. 95 relating to the subject of powers given to Mr. Butler by his government has been forwarded to our Commissioners, with a notification of his appointment, and instructions for their governance in the premises

For young — Lyons and the two boys which have been redeemed from Indian captivity by the officers of the United States the President will remunerate the government of the United States upon delivery of these captives severally provided the amount required for each does not exceed \$300, which is the amount authorized by Law to be paid. Should it exceed this amount the Government of Texas will feel herself bound to pay the same, although this would require the action of the Congress. The friends or relatives of these prisoners will it is presumed go for them, which will preclude the necessity of dispatching a Govt agent for that purpose. Should any more of our prisoners be redeemed, previous to the formation of a treaty with our

^a See Jones to Daingerfield, January 20, 1843.

^b Terrell.

Indians the same course will be adopted. The Indians however have promised to bring all our prisoners to the Council ground and to exchange them for their own which last have as far as practicable been collected and sent there by the President.

I was somewhat surprised at that part of your communication No. 95, where you express the opinion that this Department had acted in probable ignorance of the fact that the Treaty between Mexico and the United States so far as Texas was concerned had been ended in all things relating to Navigation and Commerce, by a notice given to the United States in accordance with the 34th Art. of said Treaty, and I am at great loss to understand to what particular acts you allude. You will perceive that this Department has been aware of this fact, by the instructions severally given to Mr. Bee and Mr. Riley to negotiate a new treaty and by the fact of Mr. Riley's having negotiated the Treaty herein above referred to—and which has been matter of frequent communications from this Dpt. to yourself

The obligations to observe amicable relations between the two countries is perpetual, and also the obligations which each owes the other to restrain reciprocally their citizens or indians from committing injuries or hostile depredations upon the citizens or indians of the other. This is an obligation which exists independant of any treaty, and grows naturally out of the relative situation of the United States and Texas towards each other as neighboring and friendly nations. These obligations have been on several occasions mutually acknowledged by the two governments since the expiration of the Treaty Stipulations between the two countries relating to Commerce and Navigation. I however conceive that the Treaty of 1831 so far as it relates to these matters is still binding upon Texas and the United States as no notice has been given by either party of an intention to discontinue it in regard to them. But in either event the obligations of the parties are not materially affected and the only advantage which would arise from holding to the Treaty in the particulars refered to would be that it gives a proper and particular definition of these obligations and the precise manner in which they are to be mutually discharged

I regret most sincerely the opposition which the treaty negotiated by Mr. Riley has met in the Senate of the U. States and the causes which have produced it. The infamous course pursued by some two or three of our own newspapers in vilifying and abusing the country, its institutions and character, and misrepresenting all the actions of the Government I have no doubt have had much influence in producing this unfortunate state of things. I feel satisfied however that you will have done every thing in your power to counteract as far

as time and opportunity rendered possible the slanders and the falsehoods uttered and circulated through these vile channels or by any other means. The licentiousness of a portion of the newspaper press in Texas gives cause of deepest mortification to every friend of decency and social order in it, and leads them frequently to doubt whether this licentiousness is not a greater curse to the country than the liberty of the press is a blessing. Certain it is that incalculable injury has been done to our cause by the course which some two or three conductors of papers here have pursued at this moment of peculiar national embarrassment.

The friends of Texas however must not for a moment despair. She will triumph over every difficulty, and over all her foes internal and external.

The present policy of the government towards Mexico is to stand on the defensive. This policy has been strictly pursued as far as practicable, and will be continued. Texas has not the means necessary to carry on offensive operations against her enemy. The late Campaign under Gen. Somervell was not projected or recommended by the President. It was merely *sanctioned* to satisfy popular clamor, and as the volunteers under him wished to cross the Rio Grande and were determined to do so right or wrong to clothe the expedition with legal authority that in case it was unfortunate, and our citizens should fall into the power of Mexico they could not be regarded or treated by the authorities of that Government otherwise than lawful belligerents acting under sanction of their own Government.

I have just received a communication from Viscount Cramayel ^a Chargé d'Affaires of his Majesty the King of the French on the subject of the triple interference by France England and the U States, in relation to the existing difficulties between Texas and Mexico [a copy of which is enclosed] for your information and corresponding action ^b

In case Mr. Thompson the United States Minister has not been already instructed on the subject, it will be well to bring it to the notice of Mr. Webster with a request that it should be done, as early as practicable in the event the United States are willing to join the other two powers in concerted action.

I send the copy of the original as I have not had time to procure a translation

I have the honor to be
with the highest respect
Your Ob Svt

(Signed)

ANSON JONES

^a Cramayel.

^b For this letter, see Correspondence with France.

HOUSTON TO EVE.^a

(Extract.)

WASHINGTON [*Texas*], 17th. February, 1843.

To Hon. JOSEPH EVE:

MY DEAR JUDGE—I find, as news reaches me both from the United States and Texas, that the subject of annexation is one that has claimed much attention and is well received. I find that even the *oldest settlers*—even some of the original “Three Hundred”,^b are as anxious for the event to take place as any that I meet with. How the project is to ultimate, it is impossible to divine. The democracy of the United States is in favor of the measure; and if it should become a political *lever*, both of the political parties will sieze hold of or grasp at the handle. But of these matters you can judge better than it is possible for me to do. You have more sources of information than I can have.

Truly thy friend,

TAYLOR TO THE ADJUTANT GENERAL OF THE UNITED STATES ARMY
[JONES]^c

EVE TO WAPLES.^d

(Unofficial)

LEGATION OF THE UNITED STATES

Galveston February 27th 1843

The Hon. JOSEPH WAPLES

SIR Your note of the 13th January^e was not received untill by the last boat from New Orleans or it would have been answered sooner. By some mistake it was taken to Orleans, and one from Genl. Burleson in which he promises to remove my Archives to Washington so soon as he returns home, were both sent me from Orleans.

My Books as well as yours are at Austin I however send you a copy of my instructions hoping it may reach you in time and answer your purposes.

I am very Respectfully your
Obedient Servant

JOSEPH EVE

^a See Records of Department of State (Texas), Book 40, p. 220.

^b The designation applied to the first group of colonists brought to Texas by Stephen F. Austin. See *Quarterly of the Texas State Historical Association*, I, 108-117.

^c February 22, 1843. See Eve to Jones, April 13, 1843 (first in order of this date), enclosing the letter named.

^d A. L. S.

^e No copy of this note has been found. It must have contained a request for forms for letters of instruction and of credence.

Copy

DEPARTMENT OF STATE

*Washington [City] 15th. June 1841*To JOSEPH EVE *Esquire**Appointed Charge d'Affaires of the United States To Texas*

SIR

You have received your commission as Charge d'Affaires of the United States to Texas and have taken the oath prescribed by the Constitution.

Herewith are communicated to you the following documents which you will find useful or necessary in transacting the business of your mission.

1. A sealed letter accrediting you to the Secretary of State of Texas, and an open copy of the same.
2. A special passport.
3. A cipher to be used as occasion may require in your correspondence.^a

In the general instructions I am directed on my arrival at the seat of Government of Texas, to address a note to the Secretary of State, or to the Secretary of foreign affairs if there be such an officer politely asking when it will be convenient for the Executive to receive and give me an audience. Upon my reception by the Executive, to hand him my sealed letter of credence, and to make him a brief oral address and amplify in the name of the President of the United States the expressions of good will towards that Republic contained in my letter of Credence.

Various other instructions are given such as a constant and polite, and decorous intercourse with the Executive and officers of Government to attend to the rights of the Citizens of the United States etc. etc.

J EVE

P. S. In your letter of credence to your Minister you state to the Executive of the Government to which he is accredited the object of the Mission with expressions of good will etc and requesting that full faith and credit may be given to your Minister.

J EVE

RESOLUTION OF UNITED STATES SENATE RATIFYING TREATY OF AMITY, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND TEXAS.^b

POTTER TO GREEN.^c

^a Here the copy ends; the statement of instructions is summarized.

^b March 3, 1843. See Daingerfield to Jones, March 10, 1843.

^c March 10, 1843. See Eve to Jones, April 28, 1843.

DAINGERFIELD TO JONES.^a

WASHINGTON CITY U STATES

March 10th 1843

Hon ANSON JONES

Secretary of State

SIR

In my last communication of date the 14th of Feby (N Orleans) I had the honour to inform you that having completed the buisness with which I was charged at N Orleans I should in pursuance of my instructions proceed immediately to Washington. This I did but the Steam Boat Queen of the West in which I embarked having snagged and sunk near Shawnee Town and the ice running very heavily in the Ohio I was notwithstanding all my exertions to reach here and my not delaying a moment on the route so retarded, that I did not arrive at Washington untill the day before yesterday. Within an hour after my arrival I delivered to the Hon Mr Van Zandt, the Treaty with which I was entrusted, fortunately notwithstanding its many accidents and transhipments in perfect good order; I also delivered to him the full copy of the Laws, with which I was directed to furnish him.

The Department of State is of course informed that the treaty has not been ratified; this failure I am convinced, not only by what I learn here but by information obtained before my arrival is the result of our own demagogical madness and diabolical insubordination *at home*. An entire want of confidence in the stability of our institutions, the result of our own folly and wickedness forbids the possibility at present of this treaty being ratified. All that zeal the most ardent, industry the most untiring and address the most adroit could do in its favour has I am convinced been done. Its fate will remain unchanged untill that change be brought about by our own reformation. Although I do not feel as sensibly as some others the evils which this failure of the treaty may give rise to, Yet the stain which the *cause* of its *rejection* leaves on the escutcheon of my country is to me like a wound to my own personal honour. In its blackness all calculations of profit or loss from the commercial stipulations of the treaty are lost, and swallowed up. In accordance with yr instructions I shall endeavour to convey to the Hon Mr Van Zandt all the information with regard to matters at home in my possession. I shall await here the arrival of the full powers alluded to in yr private communication of the 13th of Feby which came to hand last night. I have not as yet seen the Belgian Minister but shall do so in a few days. I have the honour to remain

Yr most obedt Svt

WM HENRY DAINGERFIELD *Chargé &c &c*

[Inclosed is a copy of the resolution of the Senate of the United States consenting to the ratification of treaty of amity, commerce, and navigation between the United States and Texas with an amendment.^a]

WEBSTER TO VAN ZANDT.^b

EVE TO JONES.^c

EVE TO JONES.^d

LEGATION OF THE UNITED STATES

Galveston March 13th 1843

The Honble.

ANSON JONES

Secretary of State of Texas

SIR

I have the honor to acknowledge the receipt of Mr. Waples note of the 25th. of January, upon the subject of a second white boy having been reclaimed from the Indians by General Taylor.^e

Your note of the 31st. of January on the subject of the interference by citizens of Texas, with the Choctaw Indians.

And also your note of the 5th of February in relation to the claim of Captain Means upon this Government for the detention and damages of the Brig retrieve of which he was Master; In which last note you remark that the President instructs you to say he regrets that the only means at his disposal, under the law of Congress are the Exchequer bills, and that he is not authorized to disburse them, except at their par value. The best therefore which he can do is to offer Capt Means the alternative of receiving the amount of his claim in exchequer bills now, or have the matter referred to Congress for its future action. As I have written to the owners of the Retrieve informing them of your proposition to pay them eleven hundred dollars in Exchequer Bills, I deem it unnecessary for me to make any comment upon your proposition until I hear from them.

I have been informed by several Members of Congress, that an appropriation of six thousand five hundred dollars was made at the late session for the benefit of General Thompson on account of the money advanced by him to the San Tafé^f prisoners; But I have

^a See Journal of the Executive Proceedings of the Senate, VI, 188-189.

^b March 11, 1843. See Van Zandt to Jones, March 13, 1843.

^c March 13, 1843. See Calendar of Correspondence with the United States in Part I.

^d A. L. S.

^e For this paragraph and the next see U. S. Pub. Docs., 660, Doc. 14, p. 108.

^f Santa Fé.

not been informed when or how it is to be paid; I have waited with some anxiety, to hear from you when and how this just and meritorious claim is to be paid.

I shall feel much gratified to have it in my power, to Inform General Thompson, that the amount appropriated by Congress for his benefit is ready for him. It is of much consequence to him to receive it as soon as possible in order to relieve himself from his pecuniary embarrassment incurred by indulging the kindest feelings to the citizens of Texas. I therefore again call your attention to this subject and ask for as early a reply as may be convenient for you to give me.

With renewed assurances of respect

I am your obt servt

JOSEPH EVE

VAN ZANDT TO JONES.^a

Despatch No. 97.

LEGATION OF TEXAS,
Washington [City] 13th March 1848.

Hon ANSON JONES

Secretary of State of the Republic of Texas.

SIR

On the 8th Inst I had the high gratification to receive your very able and interesting despatches of the 23rd and 31st January and of the 10th ulto. enclosing therewith the narrative of A Neil Esqr. and the orders and instructions given to Genl Somerville for the prosecution of the campaign across the Rio Grande. I regret that these despatches have been so long detained by the way, had they have come to hand at an earlier day, I should have been enabled to have refuted successfully the many misrepresentations which have been made here in relation to the different matters of which they and the accompanying documents treat. I hope they may yet avail as much, though I fear it may be said, that, Slander has performed its office—its work is complete.

I have also the pleasure to inform you that the Hon Wm. Henry Dangerfield^b arrived in this City on the 9th Inst and left again on yesterday for Baltimore where he will remain a few days and then return here. I have learned much valuable information from Col Dangerfield in relation to our affairs at home as well as the views and policy of the Government with regard to the future, which I hope may enable me to direct my efforts so as to meet the concurrence and sanction of the President and Secretary of State.

In my last despatch I expressed the hope that an early and favorable action would be had upon the treaty then pending before the

^a L. S.

^b Daingerfield.

Senate of the United States. This opinion was formed from statements made to me by the Hon. Mr Archer Chairman of the Committee on foreign relations and the views expressed by other prominent members of the Senate. The result has however turned out otherwise, no action was taken by the Senate untill the last hours of the session on the night of the 3rd Inst, when they ratified the treaty with an amendment by striking out the 4 and 5th Articles which to my mind amounts to a virtual rejection of the whole not that many good features are not still retained, but, that it is not the interest of Texas at present to conclude any treaty with the United States which shall not embrace a provision for the free entrance of our Cotton and the unencumbered navigation of those streams which take their rise in Texas, and either form the boundary between the two countries, or flow into the United States, and empty into the Sea within their territory. Nothing can of course be done with the treaty further, untill the meeting of the next Congress in December, previous to which time, I shall avail myself of an opportunity to speak more at length in relation to the treaty as ratified by the United States Senate. I send you herewith copies of the confidential note of the Secretary of State of the United States and the proceedings of the Senate as certified by Asbury Dickens Esqr Secretary of the same. This result I am very sure will be much regreted by every one who feels an interest in the mutual welfare of both countries, but by none more than myself, not entirely on account of the loss of the treaty itself, though this I deeply lament, but the causes which produced this unfavorable determination are more to be deplored. When my last despatch was written the intelligence of some internal dissensions in the country and army had reached here, but by an untiring exertion, aided by the news of the promptness of Genl Somerville's action at Laredo in suppressing the spirit of insubordination which had manifested itself there, I was enabled to show to the committee to whom the treaty had been referred that the laws and constituted authorities were yet supreme, and thereby sustain the tottering fabric of confidence which had [been] noding to its fall. The committee had determined to make a favorable report upon the treaty, (but it has been wisely said, we know not what a day may bring forth,) soon after this, came the news of the division and split of the army, and the disasters which befell Col Fishers Command,^a and with it came the anathemas and abuse which seemed to be poured out, without measure upon the Government and Country by some of our presses and letter writers, whose eloquence seems never so vivid, as when attempting to hold up in derision the constituted authorities of the Republic. These things were read and copied

^a Col. William S. Fisher was elected to command the Texans engaged in the Mier expedition after it was abandoned by General Somervell.

into the newspapers here, and reiterated throughout the land, their effects you may readily judge, the efforts of our friends were palsied as if by a paralytic stroke, the hopes of our Opponents revived, while the remaining confidence which had existed in our institutions as if borne down by a mighty avalanche either disappeared beneath the ruins or was only seen in the disjointed and weakened fragments of the hopes of our unmoved friends. Mr Archer informed me that every Senator who spoke upon the matter in opposition said they were willing to grant us by legislative action all the privileges which were ceded to us in the articles stricken out, but that our apparent situation would not justify them in ceding such important provisions by treaty stipulations and thereby place them beyond their control for ten years, if granted by legislative act they could repeal it whenever they saw proper should any change take place in our affairs which would call for it. Mr Archer also said he would pledge himself if desired to bring in a bill at the next session for that purpose. This and my preceding dispatches will thus give you the history of the matter so far as the same has come to my knowledge with the various causes which have operated at different times to retard the action of the Senate and to bring about the final result, which I have used every exertion in my power to avert. I annex for the information of your Department a private communication which I addressed to Mr Archer chairman of the committee on foreign relations while the treaty was before the committee. As I before remarked further action of course will be suspended until the meeting of Congress in December, if during this time order can be restored, the people united, the laws respected, subordination prevail, our friends who wield the pen or speak aloud will but talk and write in our country's cause and Texas present an undivided front I do not entertain a doubt but that the late panic will have passed away, confidence be again restored and that the Senate will reconsider its vote and adopt the treaty as originally presented, for this reason I hope the Senate of Texas will not act upon the matter until an opportunity is afforded the Senate here to revise its decision. I read at the hands of Col. Dangerfield the ratified Copy of the treaty forwarded by him.

In a former despatch I informed your department that I addressed to Mr Webster Secretary of State on the 14th of December last a communication upon the subject of the character of hostilities waged by Mexico against Texas invoking at the same time the interposition of the United States to arrest the same and to require of Mexico either to recognise the independence of Texas or make war upon her according to the rules of civilized nations. Mr Webster afterwards in a private conversation informed me that the same had been laid before the President of the United States who had given it a favorable considera-

tion and that it was the intention of his Government to seize the earliest favorable opportunity to make a representation to the Mexican govt. upon this subject. Afterwards I recd the note of Mr. Webster in reply dated 2nd Feb last informing me that copies of my communication of the 14th Dec and 24th Jany had been transmitted to the Minister of the United States in Mexico with instructions concerning the same. A copy of Mr Websters note is herewith annexed. Subsequent to the date of the reply I was told by Mr Webster in a personal interview had at the State Department, that, the Govt of Texas having in its late movements towards Mexico acted in violation of the policy which she had formerly avowed and attempted a retaliation for the injuries which had been inflicted upon her, the government of the United States could not feel justified to adopt the measures which it at first intended. I endeavored to show to Mr Webster that any apparant diversion from our former course was not to be attributed to the Govt authorities but to individuals acting in violation of orders, these thing I was unable to fully establish, for the want of authentic information concerning the facts as they existed Mr Webster said in reply that it was impossible to draw the distinction at all times between those who acted by authority and those who acted without, and if such numbers acted not only without but in violation of orders it was one of the strongest grounds to prove that we were without a government or in other words the Govt had lost its force. I am much gratified in deed that this matter has recd so much of your attention in your last despatches. I shall immediately address the Secretary of State here upon the subject and enclose therewith the narative of A Neill Esqr and a copy of the orders directed to Genl Sommerville which must fully (as I conceive) vindicate the course of the govt in the measures which have been taken. Mr Southall bearer of dispatches from the American Minister in Mexico to the Govt here reached this place a short time since, after his arrival I called upon Mr Webster who informed me that Mr Thompson had approached the Mexican Govt upon the subject of Texas and that Mr Thompson reports that all attempts at mediation are wholly useless.

Since my last despatch I have privately and confidentially presented the situation of our affairs to the President and one of the prominent members of his cabinet and submitted to them the propriety of the United States announcing to the world that the independence of Texas shall be maintained and that the war waged by Mexico against us shall cease in toto. I have urged in argument, that, it was the abolition of slavery which was avowed by Mexico as a prime reason for an attempt to resubjugate our country, and that this is but an indirect attempt at abolition in this country and calculated to encourage that growing faction here. Aside from this

the movements of the British Government can not be looked upon in any other than a suspicious light towards Texas, the known policy of England upon the question of Slavery and the assertions of those connected with her Government that equivalents could be had by Texas for her slaves if they were freed, show evidently that it is a darling project of hers to see established in Texas a free state peopled by Anglo Americans. Could she succeed in this, the history of the Southern States would soon be written. To accomplish this England knows that Texas must be reduced to the last extremity before the question could be entertained. This matter as I before remarked was presented to the President and one of his Cabinet confidentially—the President listened with much attention and replied he would take the matter into serious consideration. I afterwards on Monday last called to see him when he told me that Mr Webster had been directed to approach the French Minister on the subject and that if the French Government would unite with the United States that he would immediately take an action upon the matter. I shall not make any written communication to the United States govt. which will state any of the facts just related but will continue verbally to urge the measure. If the jealousy of this govt can be a little more excited, all the points at which they have stickeled would be easily surmounted and they would take an open and bold stand in our behalf. This course I believe now can alone secure us peace from Mexico while Texas remains in her present position as a separate Government. In the communication which I shall first address the Secretary of State here I shall endeavor in pursuance of your instructions to enforce as far as I can the doctrine of the propriety of this government interposing to arrest the predatory warfare of Mexico against us. I hope that the views which I have laid confidentially before President Tyler may meet your approbation, should they do so I trust I will be favored with the views of your department in relation to the same. I presume that no step will be taken upon the subject untill the French Minister can consult his Government. I will write Dr Smith on the subject by the next packet.

I am gratified to learn that my efforts on the subject of annexation have met the approbation of yourself and his Excellency the President. I have let no opportunity pass to bring this matter to the consideration of President Tyler and his Cabinet who assure me of their ardent desire to accomplish that object, the views submitted by you in relation to the proposition I most cordially concur in. The President informed me in our last interview that I might rest assured, that, the moment he considered it safe to do so he would advise me of the desire of his Govt to enter into the negotiation. The President is much embarrassed at this time his principle nomi-

nations having been rejected by the Senate. I allude to Mr Wise who was nominated as Minister to France and Mr Cushing to the Treasury Mr Wise's sentiments you know in relation to annexation Mr Cushing though from the North was pledged to go for it. Mr Spencer has succeeded to the Treasury Mr Webster will no doubt retire in the course of two or three weeks. Some other changes are spoken of, after which, when all becomes settled a better opportunity will be afforded for operation. Let our people and papers at home keep silent on this subject, too great an anxiety manifested there will only excite opposition here which might otherwise lie dormant. Genl Jackson has written an able and interesting letter on the subject which will be published in the *Globe*. I will fo[r]ward you a copy as early as it appears.^a His influence is paramount with Mr. Tyler.

I will keep your Department advised upon this matter, believing as I do, that, it is a subject of absorbing interest both to Texas and the United States, and that it is the determination of the administration now in power in this country to make the effort to effect it.

A few days before the adjournment of Congress John Quincy Adams endeavored to offer some resolutions in the House of Reps. declaring that no power existed in the constitution authorizing the acquisition of foreign Territory and any treaty made to annex Texas would be cause of disunion, etc etc. The House refused to receive it or consider it.

On the 3rd ultimo I addressed a communication of [to] Mr Webster upon the subject of the disturbances between the border citizens of Texas and the Indians residing on the boundary near Red River enclosing a copy of the extract from Jesse Bentons letter to your Department, also submitting the views heretofore contained in my instructions upon the subject of the transmission of the mails between the two countries. I herewith send you a copy of the communication which will inform you more fully upon the subject. I had previously laid the same before the Post Master Genl. who informed me that he was not authorized to require prepayment upon letters although he approved of the proposition submitted by me, the communication was made in writing that the same might be submitted to Congress—this was done but I regret to have to say that it remains I understand among the unfinished business of the session.

Your request in relation to the blank forms of the Post Office Department shall be attended to at the earliest day possible. Mr Dangerfield delivered me a full copy of the laws for which I return you my thanks.

^a See *Niles' Register*, LXVI, 70.

You will please remember me to the President and the members of the Cabinet respectively.

Wishing you success in the important duties of your station I have the honor to be with great and sincere regard your friend
and Obedient Servant,

ISAAC VAN ZANDT

P. S. I see published in the *Inteligencer* of this morning a report that the prisoners taken at Mier had escaped I send you the slip cut out.^a I fear that this is not true, but hoping that it may be I will not make any further communication in relation to them until I learn the truth of the report.

I. V. Z.

(Mr Webster to Mr. Van Zandt.)

Confidential

The undersigned Secretary of State of the United States has the honor to inform Mr Van Zandt Charge d' Affaires of Texas that the treaty between the two Countries signed in this city on the 30th of July, last was duly submitted by the President to the Senate for its consideration with a view to ratification and that the senate disposed of this instrument on the 3rd Instant Mr Van Zandt will see from the enclosed copy of their resolution of that date that the Senate advised and consented to the ratification of the treaty with an amendment that the 4 and 5th Articles^b be stricken out.

The undersigned avails himself of this occasion to offer to Mr Van Zandt renewed assurances of his distinguished consideration

(sgd.) DANL WEBSTER

DEPARTMENT OF STATE

Washington [City] 11th March 1843.

To the Honl ISAAC VAN ZANDT

etc etc etc

[Here follow copies of the Senate resolution referred to^c and of the following: Webster^d to Van Zandt, February 2, 1843; and Van Zandt to Webster, February 3, 1843.]

^a The clipping, which is pasted on the sheet just above the postscript, reads as follows:

FROM MATAMORAS.

The schooner Emblem arrived at New Orleans on the 1st instant from Matamoras, which port she left on the 19th of February.

The captain reports that on the 22d, while lying off the bar waiting for a pilot, news came that the prisoners (Texians) captured at Mier with Colonel Fisher had risen upon their guard at Saltillo, overpowered them after a short struggle, and set out in haste for Texas.

In confirmation of this rumor it is reported that Col. Kinney, who was about taking passage for the United States, had been arrested after the Emblem left Matamoras on suspicion of having some hand in assisting the Texian prisoners to escape.—*Picayune*.

^b See Part I, p. 623.

^c See *Journal of the Executive Proceedings of the Senate*, VI, 188-189.

^d See Calendar of Correspondence with the United States in Part I.

(Copy of communication addressed to Mr. Archer.)

WASHINGTON CITY

10th. Jany 1843

Hon WM. S ARCHER

Chairman of the Committee on Foreign Relations.

SIR: With your permission I beg leave to submit a few brief remarks upon some of the various points embraced in the treaty lately concluded in this City between the United States and the Republic of Texas.

The Republic of Texas, having on the 19th day of May A D 1841, made known to the United States her intention to terminate the treaty of the 5th. of April A D 1831,^a between Mexico and the United States, so far, as the provisions of the same, relating to commerce and navigation were binding upon the Texian Government, consequently by the provisions of the 34th. article of said treaty, since the 19th. day of May A. D. 1842, all regulations upon the subjects of commerce and navigation have ceased between the United States and Texas.

The contiguity and juxtaposition of the two nations—the frequent intercourse between their citizens, and the growing commerce carried on between them, render it essentially necessary, in order to avoid all difficulties and embarrassments, which might arise, as well as to perpetuate and strengthen the good feelings of friendship and national concord, which it is the interest and should be the desire of both Governments to foster and preserve, that definitive rules, in the nature of treaty stipulations, should be established for their mutual regulation and government.

Assuming then, that a treaty is not only proper but necessary, the next inquiry arises; what should be its provisions? In order that it may receive the sanction of the people of the two countries, and ensure a faithful observance of its conditions, and thereby accomplish the objects designed, it should be founded upon the basis of reciprocal utility and perfect equality. I am aware that in the negotiations of commercial treaties, superior facilities and advantages are always enjoyed by those who *treat at home*—this, taken in connection with the fact that the Republic of Texas is yet in her infancy, with a limited population and her resources but partially developed, it might be supposed that she would necessarily be compelled to make concessions without receiving an equivalent. But such a view I apprehend will not be found correct, it being neither compatible with the known independence of the people of Texas, nor the long established magnanimity of policy, which has characterized the Government of the United States. By assuming that the basis, of the negotiations, between the two countries, as before remarked should be

^a See *United States Treaties and Conventions*, 664-675; *United States Statutes at Large*, VIII, 410-429.

founded upon the broad and liberal principles of independence, equal favors and reciprocity, all the incentives and all the opportunities, for over-reaching and double-dealing are thereby discarded and thrown aside. Neither Government should ask any thing, which the other can have any interest to deny. Neither should offer any thing, for which the other may be unwilling to give a fair equivalent.

I will now compare the treaty which has been concluded,^a with the foregoing principles and see how far (should it be ratified) they will coincide.

The first article provides for a lasting peace and friendship.

The second article stipulates for a reciprocal liberty of commerce: that, "the inhabitants of the two countries respectively shall have liberty to come with their ships and cargoes to all such places ports and rivers in the territories of the two countries, to which other foreigners are permitted to come, to enter into the same, and remain and reside in any ports of the said territories respectively, also to hire and occupy houses, and ware houses, for the purposes of their commerce, but subject always to the laws of the two countries respectively." This although entirely reciprocal in its character will be found in its effects to be more extensive in its benefits to the Government of the United States than to Texas. From the relative situation of the two countries—their great inequality of surplus capital, population, manufactures and commerce, a greater number of United States' ships, merchants and capitalists will always be found engaged in the trade and shipping of Texas, than of Texian ships, merchants etc in that of the United States. This is an advantage, which the United States may enjoy without any detriment to Texas, while such a provision by the encouragement and protection mutually guaranteed by it to the commerce of both nations, is well calculated to strengthen the ties of friendship already existing between them. The last provision of this article, withholding the coasting trade of either country, being in the nature of a reservation and not a cession, need not be noticed here.

The 1st. provision of article 3rd. places the articles of growth produce or manufacture of either country in the markets of the other upon an equal footing with like articles imported from any other foreign nation. This provision, though in the nature of a mutual concession, possesses a prohibitory or negative character much to be desired by the United States. Texas is thereby prevented from concluding any arrangement with any other foreign power (that might be desirous of monopolizing her trade), by which the articles of growth produce or manufacture of such foreign power might be admitted into Texas, on more favorable terms than like articles, the growth produce or manufacture of the United States, thereby

^a See Part I, pp. 622-628.

guaranteeing to the United States a fair competition with other foreign powers in the trade of Texas, which trade must prove highly lucrative to those who shall be so fortunate as to secure it.

The next paragraph of the same article provides that, "no higher or other duties or charges shall be imposed in any of the ports of the United States on Texian vessels, than those payable in the same ports by vessels of the United States; nor in the ports of Texas on vessels of the United States, than shall be payable in the same ports on Texian vessels." This though apparently equal will be found in its effects to give to the United States great advantages, while it may materially affect the revenues of Texas. The number of Texian vessels is remarkably limited and their tonnage generally light, the consequent charges upon them in the ports of the United States, which would be lessened by this provision, must be trivial in amount. On the other hand nearly the whole of the Texian shipments from the United States, being made in United States' bottoms, (which with other foreign vessels are charged in the ports of Texas sixty cents per ton on sail and thirty cents per ton on steam vessels and the tonnage duty thus collected from foreign vessels amounting as will be seen by reference to the collectors' returns of the different ports of Texas to near one fifteenth of the whole revenue received,) should Texas with a view to encourage and foster her own shipping (which has been the policy of every Government desiring to be independent) make the same difference in the tonnage duty between domestic and foreign vessels, as has been established by the United States, for the protection of their shipping, then the gain to the United States by the adoption of this provision must be in proportion, as the amount of their shipping entering the ports of Texas, exceeds the shipping of Texas entering the ports of the United States.

The 3rd. and 4th. paragraphs, of the 3rd. article provide that the same duties shall be collected by either country on the articles of growth produce or manufacture of the other, whether the same shall be imported into either country by Texian vessels or vessels of the United States. This provision will have the effect to reduce the duties now levied in the ports of Texas five per cent, upon such articles as are imported into that country in vessels of the United States, which are the growth produce or manufacture of the United States. This will be more fully explained by the following clause extracted from the impost laws of Texas, "An additional duty of five per cent ad valorem shall be collected over and above that which the laws otherwise direct from all goods imported in foreign bottoms, with the exception of those foreign vessels, which by treaty or act of Congress are permitted to enter on the payment of domestic duty". Such a provision may likewise be contained in the revenue laws of the United States, this however I have not had an opportunity to

ascertain: should it even be so, this provision must still result with greater advantage to the United States, in proportion to the amount which their exportations to Texas in United States vessels exceed the exportations of Texas to the United States in Texian vessels, which excess as has already been shown is very great in favour of the United States.

The last paragraph of the 3rd. article, relates to drawbacks upon the exportation of goods the growth produce or manufacture of either country, and when reexported from either country in the vessel of the other party to any foreign nation, the party from whose country such reexportation is made, reserves to itself the right, of regulating or diminishing the amount of the said drawback. This provision, though important for the future, at present would be very limited in its effects upon either country. It is not probable that any exportation will be made to Texas from the United States, for some time to come with a view of reexportation by *river* or *sea* to any other foreign nation. The only case, in which this provision will probably operate, will be in the exportation of the products of Texas to the United States, and from thence to be reexported to Europe. By the adoption of this provision the United States will have the power to diminish the drawbacks allowed to such an extent (when the re-exportations are made in Texian vessels) as may amount to a prohibition, and thereby secure to themselves the carrying trade of all articles the growth, produce or manufacture of Texas so reexported.

By article the 4th. "the two contracting parties agree that the Sabine from its source to the sea, the Red river and all rivers, having their sources or origin in the territory of Texas, running in part of their course through that territory, or forming the boundary between Texas and the United States and emptying into the Mississippi, and the Mississippi itself, from and including the mouth or mouths of said rivers to the sea, shall be free to be navigated and common to both nations, and that no duty shall be levied or collected upon any articles the growth, produce or manufacture of Texas, originally transported down the above named rivers, or transported for the purpose of descent and exportation to any port or places situated thereon, provided however, that it shall be lawful for the Presidents of the United States to establish such rules and regulations, as may be necessary, for the proper observance of the stipulations contained in this, and the next succeeding article." In this article the right of entrepot is indirectly ceded to Texas, but as the same is more fully couched in article 5th. I will pass it over for the present, and confine myself to the remaining stipulations of the article above set forth.

The privilege, of the navigation of the several streams before alluded to (which take their rise in Texas) throughout their whole course to the sea, cannot be considered as a cession on the part of the

United States to Texas, but *is a natural right belonging to Texas*. This position I presume no one will attempt to controvert: should it however be doubted, the doctrine heretofore held by the United States, during the controversy with Spain in 1792 in regard to the right of navigating the Mississippi within the Spanish territory,^a as well as the doctrine afterwards held by the United States, in the controversy with Great Britain in relation to the navigation of the St Lawrence, which both takes its rise and empties into the sea within the British territory,^b will establish the principle upon which this right is founded. This right is rested upon the principle, that the Ocean is free to all men, and its rivers to all their inhabitants—that whenever these rivers enter the limits of another nation, from that in which they take their rise, or through which they flow, if the right, of the upper inhabitants to descend the stream, shall be in any wise obstructed or denied, it is but an act of force by a stronger society against a weaker condemned by the judgment of mankind. It is also a principle that the right to a thing gives the right to the means without which it could not be used, that is, the means follow the end, and the right to navigate a river draws to it a right to moor vessels to its shores—to land on them in cases of distress, or for other necessary purposes. This principle is founded in natural reason and evidenced by the common sense of mankind. Mr Jefferson, in his instructions to the United States' Minister in Spain, in 1792, contended that this incidental right extended even beyond the shores, when circumstances render it necessary to the exercise of the principal right. The only modification which this right admits of, is when its free use would conflict with the safety and convenience of the nation through which the upper inhabitants are to pass. Hence arises the power to establish rules for its government and exercise. But then it is a right as *real* as any other right however well defined, and should it be refused or so shackled, by regulations, not necessary for the peace and safety of the lower inhabitants, as to render its use impracticable, it would be an injury for which the party injured should be entitled to redress. The law of nature, in its great outlines, though sufficiently understood, does not always reach the minuter and more complicated details necessarily called for by the various wants of commerce and navigation: for this reason, the ocean itself has been subjected in many instances, by numerous treaties, to various regulations. The power to prescribe these rules has been delegated by this article of the treaty to the President of the United States. The free navigation of the streams before alluded to, as now contended for, will possess none of the difficulties suggested—the exercise, of this right so far from endangering the peace and safety of the inhabitants of the United States, situated and residing upon

^a See *American State Papers*, Foreign Relations, I, 251-263, *passim*.

^b Cf. Woolsey, *International Law*, 82.

these streams below where they emerge from the territory of Texas, would on the contrary greatly promote their interest and contribute to their wealth.

By article 5th. the two contracting parties agree that on all articles the growth produce or manufacture of either country, sent from one country to the other by land, river or sea and exported to a foreign country no duties or charges shall be required to be paid to the power within and from out of whose limits such articles arrive and depart: that they may be repacked for exportation, under the inspection of the proper authorities, and at the expense of the party interested, and that raw cotton the produce of either country may be imported into other free of duty for five years, from the exchange of the ratifications of this treaty." This article in a commercial point of view may be considered as perhaps the most important embraced in the treaty. In order to understand the advantages—the policy—the fairness and equality of its provisions, it is necessary to examine and compare its probable effects, upon the various interests of the two countries. The geographical position of Texas—the habits and pursuits of her people—her principal population being at present embraced between 28 and 34 degrees of north latitude and her soil being well adapted to the production of the great southern staple, mark her's as emphatically an agricultural country. The only articles which she may expect to export will be her agricultural products: the great item of which, and perhaps the only one to any extent for the present will be the article of raw cotton. Texas then, by the provisions of article 5th, would secure to herself the privilege of discharging and repacking for re-exportation, under the inspection of the proper authorities, at the ordinary expense attendant upon the same, her cotton destined for European markets, and the additional privilege of disposing of the same for the term of five years within the limits of the United States free of duty. A large portion of the citizens of Texas having emigrated from the United States—the habits, language and religion of the two countries being the same, and the institutions of the former having been derived from the latter, it is but natural to suppose, that the people of Texas should prefer and desire to carry on their principal trade with the citizens of the United States, when they can do so, without material detriment to their commercial interest. The limited amount of her shipping, and consequent limited means of conveyance within herself render it the interest of Texas to procure a market for her products as near home as possible, and thereby obtain a speedy return for these products, and a ready supply of such articles as she may desire to purchase abroad, and import into her own country for consumption. This object may be said to be attained in a great degree for the next five years, by the provisions of this article of the treaty, after which

the privilege of selling Texian cotton in the markets of the United States free of duty would expire by its own limitation without a notice of a desire to terminate it by either party. The right of entrepot and repackage ceded by this article would result with much convenience to the people of Texas, so long as their principal trade shall be confined to the United States, especially that portion of our citizens residing in eastern Texas, whose outlet to market must be through the channels of the various rivers alluded to in article 4th: their natural right being confined as before stated, to the privilege of free navigation without that of entrepot and repackage, under ordinary circumstances. The question is then presented, Can the United States cede to Texas these privileges without detriment to their interests? or will they not by these reciprocal stipulations greatly advance and promote their individual and national wealth? The only objection which has been attempted to be urged, but which upon examination will be found to be entirely groundless, is, that by the admission of Texian cotton in the markets of the United States free of duty an undue competition would thereby exist which would be detrimental to the cotton growing interest of the United States. If the United States were the only consumers and manufacturers of raw cotton, this objection would hold good, but it will be recollected that the United States are not only consumers of the raw material, but are exporters to a much greater extent, consequently it matters but little so far as the cotton growing interest of this country is concerned, whether Texian cotton is met in the markets of this country, or competed with in the markets of Europe, in fact the markets of Europe, with regard to the article of cotton, control the price in the markets of the United States, and therefore any competition it matters not how formidable that may arise in the article in the ports of the United States, can have no effect upon the current prices of that great and leading staple.

The tonnage duty, now levied by the French and English Governments in their ports on vessels of the United States, when freighted with Texian cotton, is established at a rate so high that the tonnage in many instances would amount to more than the ordinary freight of the vessel, and consequently has the effect of a prohibition. The entire crop of Texian cotton sent to European markets under the existing state of affairs (it matters not whether the same is shipped from the ports of Texas direct or reexported from the ports of the United States) is now compelled to be carried on board of European ships. It will be readily seen that by the admission of Texian cotton into the ports of the United States free of duty, the same would lose its identity and become mixed with and shipped as United States cotton, which taken in connection with the provisions of a former article would undoubtedly secure to the United States the carrying

trade of Texas, by which a profitable employment will be had for a large number of their merchantmen, which would otherwise be secured by European ships. The United States would not only secure the carrying trade, but would become the great store-house from which Texas would procure nearly the whole of her foreign supplies, which have heretofore exceeded the amount of her exports.

The great manufacturers of the north would here secure against European competition (for such would undoubtedly be the effect) a growing and extensive market for the various articles manufactured by them; such as cotton fabrics of every character, lindseys, jeans, broad cloths hats boots and shoes and articles manufactured from steel and iron, including fire arms, implements of war, farming utensils and implements of husbandry; also the various articles of furniture etc manufactured of wood—glass and tin ware saddlery etc etc etc, while the farmers and planters of the west would find consumption and a market for their immense quantities, of surplus produce, such as flour, bacon, lard etc, thereby giving both in the north, and west profitable employment to a large number of laborers, who must otherwise remain idle and unemployed. Thus it may be seen that this cession of privilege to Texas will not only act without detriment to the United States but will result directly to their great and eminent advantage.

The privilege of entrepot and repackage is not exclusive, but entirely reciprocal and opens to the enterprise of the United States through the territory of Texas extraordinary inducements. The United States, under the provisions of this article of the treaty, would possess the right to ship the articles of growth, produce or manufacture of every character, of their own country to Texas with a view of reexportation free of charge or duty, thereby opening a highway to their citizens to the extensive and lucrative trade of the States of Eastern Mexico, being the nearest route by which many of those states can be reached; the most wealthy, of which, must from their peculiar locality, sooner or later, receive their supplies through Texas. I allude to the northern portion of the States of Tamaulipas and New Leon, together with the whole of Durango, Coahuila and Chihuahua. This view of the case is neither visionary nor ideal. While Texas constituted an integral part of the Mexican Nation, a most extensive and lucrative trade was carried on by the citizens of the above named Mexican states, with the city of San Antonio, and the various villages upon the western border, and even since the independence of Texas, and during the pendency of hostilities between Mexico and Texas, in the years 1838-9 and 40 not less than one hundred thousand dollars in gold and silver was annually brought into Texas by Mexican traders and exchanged for articles of merchandise. It will be recollected also that in the fall of 1840

a caravan of traders, from the State of Chihuahua passed through Texas and descended Red river and the Mississippi to New Orleans, carrying with them nearly two hundred thousand dollars in the precious metals, which were exchanged in that city principally for dry goods. These traders returned by the route which they had come, being through that portion of Texas included in the counties of Red river and Fannin. The Americans, who accompanied that expedition, and have since returned, report the route as not only practicable, but easy to be traversed. If then such has been the trade, under the circumstances which have existed in that quarter, it might reasonably be concluded that should the difficulties between Texas and Mexico be happily terminated, this trade would become one of great importance. From these reflections I conclude that the provisions of this article are not only necessary but highly beneficial to the interests of both countries. Nothing is ceded to Texas which it is the interest of the United States to deny. Nothing is offered to Texas for which she does not render a fair and full equivalent.

The 6th, 7th, 8th, 9th, 10th, 11th, and 12th, articles provide for the regulation of the commerce between the two countries, during the pendency of a war in which either of the contracting parties may be engaged, whilst the other is neutral, which is highly necessary for their mutual protection. As these articles contain nothing more than the ordinary stipulations, usual in such cases, I deem it unnecessary to allude to them in detail.

The 13th. article provides that the citizens of either country shall have power to dispose of their personal effects by sale, donation, testament or otherwise, and that their representatives, being citizens of either country, shall succeed to the said personal effects, whether by testament or ab-intestate, and may take possession thereof, either by themselves or their agents, upon paying the ordinary expenses etc. This together with the succeeding article, which secures protection to the persons and property of the citizens of each country while in the territory of the other, as well as opening the tribunals of justice for the judicial recourse of the citizens of one country, in the Government of the other, upon the same terms as are usual and customary with the citizens of the country where the court is established, are important in order to secure to the inhabitants of both countries their proper rights, and provide for the numerous cases that daily arise.

The 15th. 16th. 17th. and 18th. articles provide for the admission reception and government of consuls and vice consuls.

The 19th. and 20th. articles provide for the suppression of hostilities among the various tribes of Indians, resident upon the western frontier, and for the return of captives taken by the Indians of one country, and carried into the territory of the other. These provisions are the same, as have heretofore existed between Texas and the

United States, and which have been productive of great mutual benefit to both countries. Interest and justice to the citizens of both countries, as well as humanity to the Red man demand their ratification.

The 21st. article provides for the apprehension of the criminals of one country, who have fled to the territory of the other. National justice, as well as the interests of humanity, calls for such a regulation. By its ratification my own country will be enabled to repel an imputation, which has heretofore been made, and which was as false as it was unfounded.

The last article provides the manner of its ratification.

I have thus briefly noticed some of the leading features of this, the first treaty of navigation and commerce, which has been concluded between the United States, and the Republic of Texas. Taken in detached parts some of its provisions may present some inequalities—taken as a whole it may be considered perhaps as equal, under all the circumstances, and relative situation of the two countries, as could be expected. Should any of its leading features be rejected, I am satisfied that the fragments would not be worth preserving. Should it be ratified as a whole, I feel confident it will advance the mutual interest of both nations. The trade of Texas will be thrown into that channel in which the citizens of Texas desire it should go. The United States will have secured the trade of a growing and rapidly increasing market, which will prove a source of wealth to their merchants, producers and manufacturers, and a profitable and lucrative employment to their shipping.

I have the honor to be with high consideration

Your very Obedient Servant

(Signed)

ISAAC VAN ZANDT

VAN ZANDT TO JONES.^a

PORTER TO WEBSTER.^b

EVE TO WEBSTER.^c

VAN ZANDT TO JONES.^d

WEBSTER TO EVE.^e

^a March 15, 1843. See Calendar of Correspondence with the United States in Part I.

^b March 15, 1843. See Eve to Jones, April 13, 1843 (first in order of this date).

^c March 16, 1843. See Calendar of Correspondence with the United States in Part I.

^d March 16, 1843. There were two letters of the same date. For both see Calendar of Correspondence with the United States in Part I.

^e March 17, 1843. See Calendar of Correspondence with the United States in Part I.

GREEN TO EVE.^a

VAN ZANDT TO WEBSTER.^b

MEXICAN PROPOSITION FOR PEACE MADE THROUGH JAMES W.
ROBINSON.^c

VAN ZANDT TO JONES.

Dispatch
No. 98.

LEGATION OF TEXAS

Washington City

April 5th. 1843

Honorable, ANSON JONES

Secretary of State.

SIR

In my dispatch to your Department of the 13th. ultimo, in alluding to the amendments made to the treaty, by the Senate of the United States, I expressed the opinion, that, if a proper course were pursued by our people at home, confidence would again be restored in this country, and at the next session of Congress we might have reason to hope that the treaty would be ratified in its original shape, and that, therefore, the Senate of Texas should not act again upon the matter, until the Senate here had had an opportunity to revise its decision. So far as the course, proper to be pursued, was alluded to, as mentioned above, I am now of opinion that I was partially in an error, and that the Senate here will take no action upon the same, until the treaty has been submitted to the Senate of Texas, with a view to its concurrence in the amendments proposed. Should the Senate of Texas refuse to concur, my present impression is that a new convention will have to be formed, of this however I will speak at another time, my present object being to correct the error of my former hasty suggestion, which was not properly scrutinized at the time it was indited. While on this subject, I will state for your information that a few days since it was made known, to me, by a gentleman who represents himself as being the holder as well as the agent of others who are holders of a large amount of Texas treasury notes, (this gentleman was introduced to me by a letter from Mr. Webster) that these holders, of our liabilities, intended to call upon the Government of the United States to require of the Government of Texas to make some provision, for the liquidation of their claims, or some arrangement, by which these notes should be receivable again, as heretofore

^a March 17, 1843. See Eve to Jones, April 23, 1843.

^b March 23, 1843. See Van Zandt to Jones, April 5, 1843.

^c March 27, 1843. See Jones to Van Zandt, May 8, 1843.

for public dues, at certain stipulated periods of time, say, one, two, three, and four years. This gentleman further stated to me that he had made a written communication, to the Secretary of State, upon this subject, which was submitted to Mr. Archer, chairman, of the Committee on Foreign Relations, being the same to which I alluded in a former dispatch. He also stated that he had lately called the attention of Mr. Webster, and several Senators to this subject, all of whom, he said, concurred with him, that should another treaty, or convention be concluded between the two Governments, such treaty, or convention ought to contain a stipulation, for the adjustment of these liabilities. In reply to these remarks, I said, to the gentleman, that I had no instructions from my Government upon this subject, but if I had, of course, I could take no official notice of his propositions, unless the same were presented to me through his Government, but as a private citizen, of Texas, I would say that while that Government felt every disposition to meet its liabilities, at the earliest day possible, I felt very certain that such a provision, as had been intimated, by him, neither could, nor would be adopted. He then desired to know of me, if I would have any objection, to his making, to me, a written communication, in relation to this subject. I replied that he could do so, if he thought proper, and that any communication, which he might make to me, I would take pleasure in submitting to my Government, for its consideration. He then said, on leaving, that I should hear from him soon.

If the communication be made I will forward it to your Department as soon as received. No allusion has been made, to this subject, by Mr. Webster, in any of our late conversations, but I thought it proper to give you the substance of the foregoing conversation, somewhat in detail that you might form your own conclusions therefrom.

On the 23rd. ultimo, I addressed, to Mr. Webster, a communication, upon the subject of our Mexican relations, enclosing copies of the orders given to Genl. Somervell, and the narrative of A. Neill Esq., which I had received from your Department. I herewith send you a copy, of the communication referred to. The objects, of which, as you will perceive, were to correct the erroneous impressions, which had been made here, in relation to the late movements of the Government of Texas, and to place it in its proper light; and to again impress upon the Government, of the United States, the propriety, of a prompt and efficient interposition upon their part, in arresting the war between Mexico and Texas; and to secure a proper treatment to those of our countrymen whom the fortunes of war had placed, as prisoners, in the power of Mexico. In relating the details, of the treatment, which had been extended by Texas, to those Mexicans whom she had taken prisoners, and the contrast which had been presented by Mexico, in the infliction of numerous outrages, upon

our citizens, who had been captured by her, I have copied principally the language used in my instructions, from your Department, believing them to present the facts in their clear and most forcible light. Up to the present time I have received no reply to this communication. Mr. Webster is now absent for a few days on a visit to Boston. At Mr. Webster's request I gave him a copy of the letter of the French Chargé de' Affaires to your Department.

In your Dispatch to me of February 16th. you make the following remark, in reply to my Dispatch number 95, which had been received at your Department, viz. "I was somewhat surprised at that part of your communication number 95, where you expressed the opinion that this Department had acted, in probable ignorance of the fact, that the treaty, between Mexico and the United States, so far as Texas was concerned, had been ended in all things relating to navigation and commerce, by a notice given to the United States, in accordance with the 34th article of said treaty; and I am at a great loss to understand to what particular acts you allude." In order that you may know upon what my opinion was founded, I would respectfully call your attention to the following extract, from a Dispatch received from your Department, of August the 19th. 1842, viz. "The right, of Texas, to require this prohibition, on the part of citizens of the United States, is clearly deducible from the 33rd. article of the treaty, of Amity, navigation, and commerce, concluded etc." In the following paragraph you say "This treaty is in full force. Texas was, at the time it was concluded, a component part of the Mexican confederacy. She has never *repudiated* the treaty, nor disregarded its provisions etc. etc." An examination, of these extracts, I am sure, will lessen your surprise, and I think convince you that they furnish sufficient grounds for the suggestion, or the opinion, which was expressed by me, in my Dispatch No. 95. I concur with your Department, upon further examination, that the provision, in relation to Indians, constituting one of the features of amity embraced in the treaty, is yet in force, but in the dispatch of Your Department, of the 19th. of August, your remarks are not confined to the provision of amity; you say in unequivocal terms "*This treaty is yet in full force*". Another fact I will state, which strengthened the opinion, which I expressed, it is this, that no measures had been taken to enforce that provision of our revenue laws, which provides that an additional duty of five per cent shall be levied, upon all articles shipped, or imported in foreign bottoms, with the exception of those foreign vessels, which by treaty or act of congress, are permitted to enter, on the payment of domestic duty. If then, there exists no treaty stipulations, in regard to navigation and commerce between the two countries, I am at a loss to know why this additional restriction has not been enforced, against the commerce of the United States. The fact, that the same

has not been enforced, certainly affords grounds for the suggestions which I made. I am aware that the collection of the revenue is not under the control of your Department, but at the same time it was to be presumed that so important a fact, as that, could not have escaped your attention. In making the suggestion, that it was probably unknown to your Department that the notice to terminate the treaty had been given to the United States, it was not my intention or wish to impute "*Ignorance*" to your Department, (that is the word used by you,) but knowing the fact that the records of your Department were at Austin, and that it was impossible for you to refer to them, I thought it probable that the same might have escaped your notice. This I hope will sufficiently disclose the causes which led me to make the remarks alluded to by you in your dispatch of the 16th. of February last, and satisfy you of their then apparent propriety.

a * * * * *

I will write to you again, in the course of next week, by which time, I hope to be enabled to communicate to you the determination of this Government, upon the subject of interposition.

I have the honor to be with high
regard Your Obedient Servant

ISAAC VAN ZANDT

[Copy.]

(Mr. Van Zandt to Mr. Webster.)

LEGATION OF TEXAS,
Washington City March 23rd. 1843

The undersigned, charge de Affaires, of the Republic of Texas, had the honor, on the 14th. of December last, to lay before Mr. Webster, Secretary of State, of the United States, and invite his attention to the character of hostilities waged by Mexico against Texas, which was believed to be violative of those rules of civilized warfare, which had received the impress of wisdom, and been sanctioned by the ennobling and enlightened principles of humanity; invoking at the same time the interposition, of the Government of the United States, to arrest the same. Subsequent to the date, of the communication just alluded to, in a personal interview, the undersigned was informed by Mr. Webster that the same had been submitted to His Excellency, the President, of the United States, who had given it a favorable consideration; and that it was the intention of his Government to seize the earliest favorable opportunity to make a representation upon the subject, to the Mexican Government. On the 2nd. ultimo, the undersigned had the honor to receive the note of Mr. Webster

^a Here follows a list of the books and other property of the legation.

in reply to his, by which he was informed that a copy, of his communication, of the 14th. of December, had been communicated to the Minister of the United States at Mexico, with instructions from the Department of State in relation thereto, the nature of which was not intimated. Since this reply, in an interview had at the Department of State, the undersigned was informed by Mr Webster that the late movements of the forces of Texas, having exhibited an apparent inconsistency with the principles, which the Government of Texas had avowed should govern its action; and partaking of that character of warfare, against which, it had protested, and which the interposition of the United States had been invoked to arrest; that, therefore, his Government would necessarily be constrained to suspend the measures, which it had designed to take, and which it would have deemed proper to adopt towards the contending parties. The undersigned listened with much regret to the opinion thus expressed, and though conscious of the incorrectness, or the imperfect view of the *data*, upon which this conclusion was founded, yet, for want of authentic information, the undersigned was then unable to present a full statement of the facts, which would explain the nature of these movements, and vindicate his Government from the supposed inconsistency. The undersigned has now the gratification to make known to Mr. Webster, that he has received, from his Government, official information of the causes, which gave rise to the campaign, and the orders and instructions given to Brig-Gen Somervell for its prosecution, to all of which the attention of Mr. Webster is most respectfully invited, with the fullest confidence that they will show that the Government of Texas has not abandoned its former ground, nor given its sanction to any act, at variance with its previous declarations.

In my communication, referred to, of the 14th. December last, it was made known to Mr. Webster, that in the course of that year, no less than three predatory marauding incursions, to Texas, by Mexican soldiery, had been made, under the orders of the Government of Mexico. Our peaceful citizens have been plundered, by their troops in some instances, in others captured and imprisoned, and again, in others murdered, with the most savage inhumanity, in cold blood. On account of these unjustifiable enormities and cruelties, inflicted upon our people, a feeling was aroused throughout the country, which caused an assemblage of a large number of our citizens at Gonzales, one of our western towns, in the month of October last, determined to avenge the injuries and murders, which had been committed upon their friends. From the indications that were given, the President became satisfied that the people, of the country, were exasperated to a degree, which it would be at least difficult to restrain, even should propriety require it to be done. Under

this conviction Brig-Gen Somervell, of the Texas militia, within the limits, of whose Brigade the citizens had assembled, was ordered to assume the command, and, in case a suitable force should muster into service, to pursue the enemy across the Rio Grande, for the purpose of chastising them; observing in every case the rules of civilized warfare, and exercising great humanity towards the common people.

For the further information of Mr. Webster upon this subject, the undersigned has the honor herewith to transmit copies, of all the orders given by the President and Secretary of War of Texas, to Brigr. Gen Somervell, for the conduct of the campaign. (See copies of orders addressed to Gen Sommervell.^a) Under these orders, the army, about seven hundred strong, was organized by Brg.-Gen Sommervell, and marched from the Medina on the 25th. of November last, in the direction of Laredo, at which place it arrived and [which it] took possession of, without resistance, on the 8th. of the succeeding month; the troops stationed there having fled with precipitation, on the approach of Gen Somervell. From this place, a part, of the men, about 200, returned home; the remainder, under Gen Somervell, marched on the 10th. from Laredo and crossed the Rio Grande near Guerrero on the 14th., in the presence of Gen Canales, who, with about 400 men, was stationed on the opposite side of the river. Gen. Canales, with his forces, immediately fled, and the town of Guerrero surrendered. On the 18th., the army repassed the river in safety, and on the 19th. Gen Somervell, not deeming it prudent to remain longer, and being in want of provisions, clothing and ammunition, concluded to return. The order was then given to return to Gonzales, and the march was accordingly commenced, by about two hundred men, who returned to their homes. The balance remained in camp, and having elected Wm. S. Fisher commander, in violation of Gen Somervell's order, recrossed the Rio Grande, and entered the town of Mier on the 23rd. On the 24th., a smart skirmish ensued between this party and a Mexican force, when the latter were repulsed with loss. On the 25th they were attacked at day light, by about 1500 men, and after having fought very gallantly until ten o'clock, a parley ensued, and they were induced, by assurances that large reinforcements, of Mexicans, were at hand, and promises of safety, to surrender under stipulated articles.

Throughout the whole march, of the forces, while under the command of the properly authorized commander of the expedition, every individual act of impropriety or violence, upon the property of the peaceful Mexican citizens, was restrained, when it was possible

^a These are all published in the *House Journal* 7th. Tex Cong. See *Calendar of Correspondence with Mexico*.

to be done, or punished if committed. Private property and personal rights were, in every possible instance, secured to the enemy's citizens, and none were taken prisoners.

The objects of the Government, it will thus be seen, were legitimate—the pursuit and chastisement of the enemy. The orders, given for the Government of the campaign, and every act, done in pursuance of those orders, and with the sanction of the constituted commander, of the expedition, if submitted to the severest scrutiny, the undersigned confidently believes will show that his Government has not abandoned, nor departed from the high policy, which it had avowed its determination to pursue.

The undersigned is aware that his Government, in asserting the rights, acknowledged to belong to civilized nations, and the principles, which should govern them, in their mode of warfare towards their enemies, should give assurances, of a strict observance of those rights and principles, itself. That it has always observed them heretofore, the history of our revolution, abundantly proves; and the undersigned is instructed to assure the Government of the United States, that any departure, from these principles, should it be attempted, will not be sanctioned by his Government. That there will be lawless persons in every community, who, setting laws and authority at defiance, persist in a violation of good order and propriety is certainly true. In a country like Texas, whose civil Institutions have not been matured by time, and by the enjoyment of peace and national tranquility, whose citizens are liable to strong excitements, and driven to desire vengeance and retaliation, upon an enemy, with whom that country is at war, and from whose soldiery the most wanton, flagrant and cruel injuries have been long received and endured, and whose inhuman acts have been sanctioned, by the Government of Mexico, it is but natural to suppose, that some irregularities will occur, and that attempts will be made at retaliation, by individuals suffering from the consequences of such wrongs and injuries. These acts of individuals, though in a great degree excusable under such peculiar circumstances, should not be imputed to their Government.

The undersigned would then again repeat, that his Government will not, in any instance, depart from the principles, which it has avowed to the world—principles, which form the basis of all national respectability, and which holds together the fabric of the moral universe.

It is true, Texas may be driven, by paramount necessity, to the pursuance of a retaliatory war with Mexico, of the character, which that Government has so long pursued against her; but when she does so, that same necessity will be abundantly apparent, and justify her in the opinions of mankind.

The undersigned, believing that the foregoing facts, in relation to the campaign, under Brigr Gen Somervell, will sufficiently justify the acts of his Government, and place the same in a proper light, avails himself of this occasion to again respectfully invite the attention of Mr Webster, to the recent and continued outrages, committed by Mexico, upon the persons and lives of our citizens, who have been taken prisoners, in the predatory and marauding incursions made upon our territory, and on other occasions; which it is believed are of such a character as to demand, of those civilized nations, who have acknowledged the independence of Texas, and whose citizens are, in many instances, the participants of these outrages, a prompt and efficient interference, for the purpose of arresting them. In doing so, and for the purpose of exhibiting more fully the course, which has been pursued by both countries, since the commencement of hostilities between them, the undersigned would beg the indulgence of Mr. Webster while he presents a brief history of their conflicts, together with the manner of treatment, which has been extended to prisoners, who have fallen into the power of either of the contending parties.

The inhuman butcheries, committed upon our citizens, whom the fortune, of war, had placed in the power of Mexico in 1835 and '36, produced a feeling of horror, from which civilized humanity has too recently recovered to have forgotten them. The names, of Grant, Ward, King, Travis and Fannin, present to the recollections of all, who have read the details, of our early struggles for freedom, corresponding instances of inhuman and cold blooded murders, committed upon helpless prisoners—of violations of faith and of perfidy, on the part of Mexico, that are in striking contrast with the forbearance and humanity, which, from the commencement of the war in 1835, up to the present time, has characterized the course of Texas in its prosecution.

In December 1835, the town and fortress, of San Antonio de Bexar, were besieged by the Texian Army, under the command of Col B. R. Milam; and Gen Martin Perfecto de Cos, Commander in Chief of the Eastern Internal Provinces of Mexico, surrendered himself and about 1500 men prisoners of war, by articles, of capitulation, signed on the 10th. of that month. The conditions, of this surrender, were faithfully observed by Texas; and Gen Cos, with all his officers, and the men under his command, was permitted to return to Mexico upon parole—their persons and property being in every respect safe and inviolate.

On the 21st of April Gen Santa Anna then President of Mexico, and Commander in Chief of the Army of Operations against Texas was met and defeated at San Jacinto. The President-General and Seven hundred and fifty Officers and men surrendered themselves at discre-

tion and on their knees implored that mercy which they had so recently denied to those unfortunate men who fell into their power at Goliad and the Alamo. These prisoners had forfeited every claim to the mercy they sought, having been engaged in waging a war of extermination and giving neither quarter to the vanquished nor observing the faith they had promised by solemn compact to those who surrendered with Col Fannin and others; all of whom (with the exception of the medical men whose services were required for their own wounded) were massacred by order of Gen Santa Anna. Gen Cos who was taken a prisoner with the rest, had doubly forfeited his life, having violated the parole he had given at San Antonio the December previous, and subsequently engaged in an unauthorized mode of warfare. But notwithstanding all these powerful incentives to a just vengeance, and the then recent distresses which the Mexican army had brought upon the whole country, the lives of all these prisoners were generously spared—they were supported at the expense of the Government—were kindly treated in every respect—the wounded and sick had the best medical attention and the most assiduous care, and all who wished it were sent home to their own country. As an evidence of the humanity with which they were treated, reference is made to the fact that many of these prisoners chose to remain in the country and continue in it up to the present day.

Gen Filisola and the troops under his command fled from the country immediately after the battle of San Jacinto in the utmost confusion and dismay, and although they could have been cut up by our army the hand of vengeance was withheld; and in strict fulfillment of the promise made this General with his troops was permitted to leave the country undisturbed. His official report to his own nation and the defence which he published to the world in justification of his precipitate retreat clearly prove the truth of the above statement in relation to him.

The President of Mexico, Gen Santa Anna was treated with every possible respect and kindness and with all the forbearance consistent with his safe keeping as a prisoner of war: and was finally sent to the city of Washington agreeably to his own solicitation, under an escort of three distinguished officers and at the public expense, from which place he returned safely to Mexico.

The sparing the lives of these prisoners and the indulgences extended to them was a voluntary act on the part of Texas: and their final release and restoration to liberty an act of humanity and mercy. The obligations which these impose upon civilized man were the only ones which my Government was under towards these captive enemies; while justice if her stern mandates had been obeyed would have required their execution or at least that of their leaders.

The course of Mexico towards the citizens of my Government who have fallen into her hands has been of a character wholly at variance with this conduct on our part as will be seen by the following statement of facts.

Passing over the massacres of our citizens in 1835 and 6 which are already sufficiently known and are alluded to in a former part of this communication, this detail will be confined to transactions of a recent date.

A party of peaceful traders and others sent out to Santa Fé in the latter part of 1841 consisting of about 325 men were induced to surrender themselves prisoners of war to the troops under command of Gov Armijo. Articles of capitulation were agreed to and signed by the two parties, by which the Texians were promised security of persons and individual property, kind treatment and speedy restoration to perfect liberty. But no sooner had they laid down their arms, than they were indiscriminately plundered of every article of property they possessed—their hats, shoes coats blankets and even their shirts taken from them. Their arms were tied with cords and they were fastened together in numbers of two or more with raw hide and some secured by cabristas^a to the tails of Mexican horses and mules. In this condition, in the coldest of the winter weather, exposed to every vicissitude and inclemency of the climate, suffering alternately from cold and hunger and hourly insulted and abused by the officers and soldiers in whose charge they [were] placed by the Governor of Santa Fe, they were marched on foot a distance of 2500 miles to the city of Mexico. On the way those who failed from fatigue debility or sickness were deliberately murdered, their ears cut off and transmitted to Mexico as a proof of the fidelity of the commanding officer of the guard in the fulfillment of his inhuman orders. Those who survived the fatigues of this long march and arrived in Mexico (with a few exceptions) were confined in prisons at night and in the day were turned out, chained together like criminals to sweep the streets of the city. Their lives however were spared and they were finally released. Their support while in Mexico was derived principally from the generous advances and contributions made by foreigners; and their return home was effected in the same manner.

On the 11th. of September last Gen Adrian Woll with a force of about Sixteen or seventeen hundred men entered San Antonio de Bexar under cover of a dense fog, early in the morning and captured fifty four citizens of that place. Herewith I transmit a copy of the statement furnished to the Department of State of Texas by Col Andrew Neill a highly respectable gentleman of Gonzales who was one of the number captured by Gen Woll while attending as a lawyer to his duties at the circuit Court then in session and who has since

^a Hair ropes.

effected his escape and returned to Texas. His statement is entitled to entire credit and by its perusal Mr. Webster will be able to derive an accurate and complete detail of all the transactions connected with the treatment of the prisoners made by Gen Woll, which appears to have been similar to that extended to the Santa Fé prisoners except that their ultimate fate is yet unknown. (See A. Neill's statement.)^a

On the 25th. of December last a force of Texians commanded by Col Wm S. Fisher amounting to about 250 men surrendered themselves prisoners of war to Generals Ampudia and Canales of the Mexican Army at the town of Mier, under articles of capitulation, the terms of which are not precisely known. From the inhuman treatment heretofore inflicted upon our prisoners, it is much to be feared that Gen Santa Anna or those acting by his influence or orders will sacrifice the lives of these unfortunate men upon the pretext that they were not acting at the time under the orders of the Texian Government, or some other plea. It will be observed however that although the men may be all murdered who were taken prisoners under Col Fisher, yet some few have escaped who can establish the fact beyond a doubt that articles of capitulation were signed, and that the men were promised kind treatment and all the rights of prisoners of war. This being the case it cannot be material to the question which may be brought to an issue between them and the Government of Mexico whether they were acting under the immediate and legal orders of the Government of Texas or not. They were prosecuting an enterprise which the Government had sanctioned—that of pursuing and chastising the enemy who had just made a predatory incursion into our country and by the capitulation and promises made them they acquired at least the right to be considered and respected as prisoners of war. Had they been other than lawful belligerents it could not have been proper to have entered into a convention with them for their surrender; consequently the Government of Mexico is bound by every obligation of law justice and humanity to observe in good faith the conditions of this surrender. The capitulation upon expressed terms of agreement between them and their captors most certainly brought them within the scope of the rules of civilized war. It is also to be observed that at the time of the capitulation our citizens were by no means vanquished but might have fought their way out with much probability of success had not the most solemn promises of kind treatment and security for persons and property been made them by the Mexican commanders Generals Ampudia and Canales.

In each of the instances now before recited the acknowledged laws of civilized war as well as the principles of common humanity had been outrageously violated by Mexico. But the capture and treat-

^a See Jones to Van Zandt, February 10, 1843.

ment of the prisoners taken at Bexar in September last are attended by circumstances of great aggravation. The Mexicans entered the town early in the morning under the cover of a dense fog and without any previous notification whatever. There were no troops at this point at the time as was well known to Gen Woll (he having constant means of information from the place.) No necessity could therefore have existed for a General at the head of Seventeen hundred men to have taken the town by surprise which only contained some sixty private citizens, then quietly pursuing their ordinary avocations; the most of them being in attendance on the District Court of the fourth Judicial District then in session. Bexar is an extreme frontier town, insulated from the rest of Texas, eminently exposed to attack from Indians or Mexican banditti. Rumors, as usual during the session of the Court, had two or three days been afloat that some enemy, the character of which was unknown were hovering about the place, and when ^a on the morning of the 11th. the citizens being aroused from their beds by the cry that the enemy were in town from a natural impulse rushed to their arms to defend themselves, as they had every right to suppose from savages or robbers. So soon however as it was known to be a regular Mexican force of seventeen hundred men which had in this extraordinary and unusual manner approached the place they laid down their arms and offering no further resistance the town was immediately surrendered. All the citizens of the place were therefore entitled to be considered non-combattants, as they were but a moment in arms; and the time and manner of Gen Woll's approaching the town were such as to lead the inhabitants to the belief that the object of the attack upon a small defenseless town like Bexar must have been plunder or assassination, which it was clearly their right and duty to resist. But the whole of them were forced to surrender as prisoners of war under articles of capitulation. Among those thus taken prisoners, was the venerable and highly distinguished jurist, the Hon Anderson Hutchinson, then presiding at the Court in session, the Hon Mr. Colquhoun Senator in Congress from Bexar, the Hon Mr. Maverick Representative for that county and the Hon W. E. Jones Representative from Gonzales and many others of our most reputable citizens,^b several of whom were taken from their private houses, although they had offered no resistance. The capture of these men therefore and the forcing them to sign articles of capitulation and acknowledging themselves prisoners of war when they had only followed the natural impulse of self defence, is a most gross and palpable violation of the plainest principles of

^a If the structure of this sentence had been more carefully noted by its writer, he would probably have omitted "when."

^b For a list, see *Niles' Register*, LXIII, 178.

civilized war. They were not belligerents and therefore not subject to the penalties which attach to belligerents.

Since the capitulation three of these individuals have been condemned to death upon the charge that they had been in the Santa Fe expedition, viz, Mr. George Van Ness, Archibald Fitzgerald and Thomas Hancock; which sentence it is understood the President of Mexico has since commuted to ten years confinement in prison. Had the sentence of death been carried into execution upon these gentlemen it would have constituted a most foul murder; and the imprisonment for ten years is an act of national perfidy and inhumanity against which every principle of justice and mercy is directly opposed. Their parole was not violated by their being at Bexar when the place surrendered nor had they violated it by taking up arms against Mexico.

Mexico may urge in excuse for her want of faith and her inhumanity towards those of our citizens who have been so unfortunate as to fall into her power that she has not recognized Texas as an independent nation and therefore has a right to act as she pleases in the premises. But the civilized world cannot admit so futile a reason. Texas is acknowledged as an independent power by the principal Governments of the world and consequently to these Governments so far as they are concerned Texas has all the rights and is bound by all the responsibilities which can attach to an independent and sovereign people. •

The treatment which our prisoners have received in all the above recited instances and which they are now receiving at Perote and other places where they are confined is as infamous as it is unjust. It is opposed to the principles of religion, to the dictates of common humanity and to every acknowledged rule of proceeding between civilized nations in a state of war. As such the Government of Texas views it; and she protests to those Governments who have acknowledged her independence against the course which Mexico has pursued, and calls upon them to interpose their power in arresting it. They are directly interested in preserving the principles which all nations claiming to be civilized have adopted for mutual observance; and Texas believes that it is their right as well as their duty to interpose. A prompt action in this matter may save the lives of more than three hundred brave and chivalrous men—an object certainly which will sufficiently recommend itself to every generous and philanthropic heart.

Mexico in her whole course of conducting the war against Texas has abundantly evinced the disgraceful fact, that no treaty or convention however solemn can bind her to the observance of either justice humanity or mercy and she has thus denied those great principles

which hold together the fabric of the moral Universe. If therefore other nations in view of these circumstances and all the facts now before them as well as those herein contained should refuse their interference in the premises no other course will be left to Texas in the future prosecution of the war with Mexico, than to adopt the principles of retaliation and to visit upon the people of that country the evils and cruelties which have so long been suffered by ours.

For the mass of human suffering and misery which would thus be entailed upon the unfortunate, the defenceless and the feeble my Government will then stand acquitted to itself, to the world and to Almighty God. It remains to be seen whether the civilized world will look on with indifference and witness so disastrous a catastrophe.

These facts and reflections are respectively submitted to His Excellency the Secretary of State of the United States with a firm reliance that that Government, guided by that enlightened wisdom and respect for the laws of humanity which so eminently distinguish it will give to them the consideration which their importance demands; and take such action thereon as right and justice may require.

The undersigned with pleasure avails himself of this occasion to renew to Mr. Webster assurances of his distinguished consideration.

(signed) ISAAC VAN ZANDT

His Excellency

DANIEL WEBSTER

etc etc etc

VAN ZANDT TO JONES.^a

ARMSTRONG TO CRAWFORD.^b

ARMSTRONG TO CRAWFORD.^c

EVE TO JONES.^d

[Inclosed are copies of Porter to Webster, March 15, 1843, and of Taylor to the Adjutant General of the United States army, February 22, 1843.]

^a April 5, 1843. See Calendar of Correspondence with the United States in Part I.

^b April 10, 1843. See Van Zandt to Jones, August 15, 1843.

^c Copy undated, but written soon after Armstrong to Crawford of April 10. See Van Zandt to Jones, August 15, 1843.

^d A. L. S., April 13, 1843 (transmitting copy of Taylor to Adjutant-General, February 22). For this letter and inclosures, see Calendar of Correspondence with the United States in Part I.

EVE TO JONES.^aLEGATION OF THE UNITED STATES
Galveston April 13th 1843

The Honble.

ANSON JONES

Secretary of State of Texas

SIR

I am instructed by the State department of the United States to seek an early interview with the Secretary of State of Texas, and address to him a strong, but kind and friendly remonstrance, to abstain on the part of Texas from carrying on the war (should it continue) against Mexico by means of predatory incursions, whither with a view to retaliation or otherwise. But so long as the war continues, to carry it on openly, honorably, and according to the rules recognized by all civilized and Christian States in modern times.

At the request of Mr. Van Zandt your Charge d'Affaires now at Washington, similar instructions have been given to the United States minister at Mexico.

As I am unable to visit Washington at this time, on account of indisposition, I should be much gratified could you visit me in Galveston when we can have a full and free oral interchange of opinions upon this subject, of so much consequence to the character and good standing of Texas. I am however so well acquainted with the opinions of the President of Texas upon this subject that I feel assured that there will be no difference of opinion between us. I know that he has uniformly opposed, all and every depredatory incursion by the people of Texas upon Mexico. You will please inform me by return mail whither you will visit me in Galveston and if so when, as I intend the moment my health will permit me to do so with safety to visit Washington.

With renewed assurances of respect,

I am your obedient servant

JOSEPH EVE

EVE TO WEBSTER.^bUPSHAW TO CRAWFORD.^cSHAW TO BOURLAND.^d

^a A. L. S.^b April 14, 1843. See Calendar of Correspondence with the United States in Part I.^c April 15, 1843. See Van Zandt to Jones, June 29, 1843.^d April 17, 1843. See Calendar of Correspondence with the United States in Part I.

SHAW TO DOAK AND TIMS AND OTHERS.^aVAN ZANDT TO JONES.^b

Dispatch No. 99.

LEGATION OF TEXAS

*Washington City**April 19th. 1843*

Hon. ANSON JONES

Secty of State.

SIR: Since my last dispatch nothing of importance has transpired in relation to our affairs here. Mr. Webster has been absent for a few weeks on a visit to Boston, but is daily expected home. It is again understood, here, that if nothing is heard from England before the 1st. of May, which may require his attention in the State Department, that he will probably retire from the Cabinet about that time. Who is to be his successor seems not yet to be determined, or if determined on, is not known to the public. Messrs Upshur, Cushing, Tazewell, and Stevenson are all spoken of. Judge Upshur has heretofore been considered as most likely to be selected. His would be one of the best appointments that could be made for the interests of Texas. He is devoted in his attachment to our country, and anxious to promote our cause, besides, he is a gentleman of fine talents, high attainments, and has the nerve, as the Venerable Sage of the hermitage would say, to "take the responsibility" and act with decision. I have some fears that he will not receive the appointment. Cushing is expected here from the north in a few days, and is very desirous, I have heard, to succeed Mr. Webster, but I hope the good sense of the President will not suffer his partiality to lead him so far into an error, as this certainly would be, for, he would inevitably be again rejected by the Senate, and thereby increase the confusion already existing. Mr. Cushing is a man of decided abilities, for his age, and an avowed friend of Texas, but the truth is, the northern influence, which is opposed to us, and which would be certainly felt by him in that station, more or less, would prevent him from taking any efficient step calculated to benefit us.

Many other changes are expected in the house, as well as the foreign appointments. Judge Eve is to be recalled from Texas, and Gen Murphy of Ohio, who is reputed to be a man of talents, is to succeed him. Mr. Proffit of Indiana 'tis said goes as Minister to Brazil. Mr. Waterson of Tennessee Charge d'Affaires to Venezuela, vice, Hall, of Nashville, to be recalled.

^a April 17, 1843. See Calendar of Correspondence with the United States in Part I.

^b L. S.

Since I wrote you last I have had frequent interviews with the President in regard to the interposition of this Government; and in our several conversations he has uniformly expressed a wish, and desire to take effective measures to put an end to the difficulties between us and Mexico, but I think he is fearful to make any important movement, except he has the unanimous approval of his advisers. In one of our conversations he used to me this language, "Sir, I wish you to be assured that I feel the deepest interest in the affairs of your country, and wish to do every thing compatible with propriety to aid you, and if possible to annex you to us; *but you see how I am situated*", (alluding I took it for granted to the embarrassments of his administration). He then remarked that when Mr. Webster returned he would urge upon him the early consideration of my communication last addressed to the Department. I then told the President that I had understood him to say that Mr. Webster had been directed to approach the French Minister upon the subject of a United and joint interposition by France and the United States: he replied that it was true, but that Mr. Webster had been so much engaged with English affairs that he had failed to do so, and that, moreover, Mr. Webster had not acted with that promptness, which he the President had desired, but that he would promise me that he would call Mr. Webster's attention to it again, so soon as he returned, and that I should be advised at an early day of their determination. I told the President that I was fully sensible of his kind feelings for Texas, and that I had not failed to make the same known in my dispatches to my Government, and that I was satisfied they would be properly appreciated; and that I hoped that no unnecessary delay would be had in coming to a determination upon the matters alluded to in my communication—that the laws of nations clearly justified, and the rights and interests of humanity demanded their interference. I told him also that I was convinced that the French Government would accede to the proposition, if made by the United States, but that France would feel a delicacy in making the move first, lest the United States might suppose she was disposed to meddle in the affairs of this continent, beyond what was proper. I fear that nothing will be done by this Government until there is a change in the office of Secretary of State. Mr. Webster, though the President may urge him up, will still take his own time, and do matters in his own way, and while he professes the greatest friendship for Texas and I think is really sincere in his professions, yet his temperament is not, of that kind, suited to bold and decisive movements in matters, in which his Government is not individually concerned, or interested as a party, or in other words I fear his sympathies have been tempered by a latitude too high for this emergency. A short time will prove the truth, or falsity of these suppositions, and "bring to light

the things that are hidden"; 'till then nothing is certain, except that all is uncertain.

The painful intelligence, of the recapture of our countrymen taken prisoners at Mier, has been confirmed, and that orders had been given to have them shot, but that through the interference of the United States' and British Ministers the order was changed to a decimation, which it was hoped would be revoked. I await with great anxiety to hear the result.

Intelligence has also reached here that Hon. W. E. Jones and Maverick had been released, and that Judge Hutchinson would likewise soon be liberated. I trust this may be true.

The propositions of Santa Anna for peace ^a have been published here, and various opinions expressed, how they ought to be received, or whether they will be considered by the Government of Texas.

Col Daingerfield has not yet embarked for Europe, having been detained by the severe indisposition of his mother and other causes. He seems very anxious to enter upon his mission, and wrote me yesterday that he thought he should be off soon. Your communications to him addressed to my care were duly received and very satisfactory to the Colonel. I am looking for him here to day, when we shall visit the President, and some of the Diplomatic gentlemen.

The Chevalier Gevers, the Dutch Charge d'Affairs, left here for New York a short time ago. He was very desirous to know if his Government had an agent of any character in Texas. I told him I thought not, but that I would ascertain and inform him. Knowing that Col Daingerfield would be here I concluded to reserve the inquiry for him, and he has informed me that he is of opinion there is none, and I shall so inform the Chevalier. This gentleman and myself are on the most intimate terms—he seems to feel much interest in the affairs of Texas, and says that such is the disposition of his Government towards us. He is also very intimate with Gen Almonte, and from him, when here, I could generally learn Almonte's views.

The Prussian Minister, Baron Roenne, returned to Europe by the last packet. I think he left here very favorably impressed towards Texas, and her growing importance as a market for European manufactures and products. The gentleman made me several personal visits which were duly returned—he also made many inquiries about Texas, which I took great pains to answer, and at the same time informing him what articles of Prussian Manufacture would likely be required in our markets.

I have obtained the blanks from the Genl. Post Office which you desired me to send you, but I shall not forward them until I can have an opportunity of a private conveyance to New Orleans. The

^a Made through James W. Robinson, March 27, 1843. See Jones to Van Zandt, May 8, 1843.

package will be very large, and the postage would come to more than would be gained by sending them right away—they probably contain more than a hundred different forms.

I have also obtained a full copy of the census documents of the United States, including a statistical account of the commerce, manufactures, and products of each state, and much other information—they comprise four large volumes, one of which is two feet by eighteen inches and contains between four and five hundred pages. I will send them to you whenever an opportunity offers—they will prove a valuable acquisition to the library of your Department.

I have concluded upon reflection that much good might result from a proper, and fair publication of facts in this country, in relation to Texas, with a view to correct eroneous impressions existing here prejudicial to our interests, and to show the important advantages to be derived from annexation, and particularly the great benefits which the northern states would secure by such a treaty. I feel satisfied that it is not in keeping with the genius of the northern people to sacrifice their interest to their sympathy, and if they can be induced to believe that their pecuniary interest would be promoted by such a step, they would at once leap the barriers erected by the fanaticism of abolitionists, and become the advocates of the measure. I believe that this is a subject in which the northern people should feel as much interested, and more so, if possible, than the south. Many of the facts necessary to be stated, and the arguments used will apply with equal force to the pending treaty. I have been for sometime collecting facts in relation to this subject. My design is to publish, under an anonymous signature, the communications in some newspaper of general circulation, and in time to appear before the sitting of the next Congress. I shall first continue to collect all the facts in my power, before the first number is written. If you can send me the printed reports of the Secretary of the Treasury for 1841 and 1842 I shall be very glad, as from them I can probably learn something of our exports and imports, which I cannot obtain elsewhere.

You will perhaps think this dispatch contains some things not likely to benefit you much, but I think it best to give you matters in detail as much as possible, especially, conversations with the President and Secretary of State, from which you will be enabled to form your own conclusions, if they should differ from mine. In addition to this I am gratified to believe, that should I state any thing which is unnecessary, your better judgment will enable you to winnow the wheat from the chaff.

With the highest sentiments of regard I have the honor to remain
Your friend and Obt Servant

ISAAC VAN ZANDT

VAN ZANDT TO JONES.^a

ROBERTSON TO JONES.^b

LOOMIS TO BLISS.^c

VAN ZANDT TO JONES.^d

Dispatch }
No. 100. }

LEGATION OF TEXAS
WASHINGTON CITY

April 21st. 1843

HON ANSON JONES

Secty of State

SIR: I have just returned from a visit to the State Department, where I had an interview with Mr. Secretary Webster. I now submit you the substance of conversation between us. Mr. Webster inquired whether I knew what answer was, or would be given to the propositions of Santa Anna. I replied I did not, but was of opinion they would not be entertained for a moment. Or if entertained at all, it would be merely for the purpose of submitting a counter proposition for peace, upon terms of the acknowledgment of our independence. Mr. Webster then remarked, that, if we intended to maintain our nationality, we should at once reject such a proposition. He then asked me various questions in relation to my views and opinions of the probable result of the campaign and cruise against Yucatan; In answering which I endeavored to impress him with the opinion that the Mexican fleet and forces would be compelled to retire, without accomplishing any important result. This is a matter which has been frequently discussed between Mr. Webster and myself; he has always expressed the opinion that the favorable or unfavorable termination of that Campaign would determine the ability or inability of Mexico to re-invade Texas.

At this stage of the conversation, I introduced the subject of my last communication to his Department in relation to our affairs with Mexico. I asked him if he had taken time to consider that communication; he replied he had; I then asked him if he had formed any conclusion upon the matters and things embraced in it. His reply was in about these words, "Sir; your affairs assume so many different *phases* that it is impossible one day to tell what will be the appearance on the next. If your Government would take the advice of its friends, to remain at home, unite among yourselves, confine your

^a April 19, 1843. See Calendar of Correspondence with the United States in Part I.

^b April 20, 1843. See Jones to Van Zandt, May 9, 1843.

^c April 20, 1843. See Van Zandt to Jones, August 16, 1844.

^d L. S.

soldiers to your own territory, and to the defence of your own soil, suppress insubordination, prevent marauding parties upon the frontier and consolidate your energies, then Sir, we might be able to do something effective." I replied to this that such was the avowed policy of the administration at the head of affairs of my Government, and to which it was disposed to adhere, and this I thought must be sufficiently demonstrated in my communication addressed to him. Mr. Webster replied, "that Sir, perhaps is true, so far as the officers of Government are concerned, but what avails the disposition of Officers, who cannot execute their purposes, or what is a Government which cannot enforce its orders; it is the business of Government to govern its citizens, and, when it ceases to be able to do that, it argues that there is not much Government in force".

I said in reply, to this, that I was of opinion from all I could learn from home, that there was an evident change in public feeling in this respect; that every thing seemed quiet. Any dissensions that might have existed, I thought had, or would soon disappear, and in future I hoped we should be united; that these were but momentary, and could not be of long duration. He then continued thus, "So soon as we ascertain what disposition your Government shall make of Santa Anna's proposition, we shall then determine what course we will take, but, during the pendency of these questions, or a negotiation between Texas and Mexico, we should feel ourselves awkwardly situated to attempt an interference. If those propositions are at once disposed of, and you continue to persevere in your avowed policy, we shall think it proper to make a communication to Mexico on the subject, and say to her, *She must terminate the war at once either by treaty or by arms*; and address a copy of the same to France and England."

These are the most important items of our conversation during the interview. They at once suspend matters here, until I hear from your department. Should I obtain the desired intelligence, Mr. Webster may take the step pointed out; but it is impossible to speak with certainty upon the subject. I have so often thought I was on the eve of accomplishing it when something would immediately intervene to prevent it, that I will not permit myself to calculate positively on any event which is yet in the womb of futurity. The next news from Texas may present some new *phase*, in that case, all the ground is to be gone over again.

You will learn from this conversation something of the state of feeling here in relation to our affairs. Mr. Webster in his remarks, but reiterates the general sentiment.

I look with much anxiety to hear the course of our people. Situated as I am at such a distance, it is impossible for me always to know the true state of things at home, and to judge of the truth or falsehood of all I hear. If it be true, that there are some few individuals,

of ambitious and licentious views whom the authorities are unable to over-awe, and who continually sow the seeds of discord among the people, and by such a course should be enabled to poison their minds, and create factions, which cannot be suppressed, calamities of long duration must eventually ensue. I feel every confidence that the people, if left to themselves, will do right.

An observance of the laws, alone, can secure the lives, the property, the liberty, and character of citizens—if these are scorned; what is ever to be respected? Or where is the hope of the Republic?

Col. Daingerfield came over to day from Alexandria, and has returned back after staying a short time, he seems very anxious to get off to Europe—he is detained by his indispensable private arrangements—he expects to leave by the packet of the 1st. of May.

I have the honor to be with great respect and consideration

Your friend and Obt. Servt.

ISAAC VAN ZANDT

MITCHELL TO PORTER.^a

JONES TO EVE.

(Copy)

DEPARTMENT OF STATE

Washington [Texas] April 22d 1843

SIR

I have the honor to acknowledge the receipt of your note of the 13th Inst informing me that you had been instructed by your Government to seek an early interview with the Secretary of State of Texas etc, but that you were unable at the present time to visit Washington on account of indisposition and that you wished me to visit you at Galveston, where we might have a full and free oral interchange of opinions upon the subject embraced in your communication and of so much consequence to the character and good standing of Texas.

Regretting as I do most sincerely your continued illness it affords me satisfaction to be able to comply with your wishes in respect to visiting you at Galveston, for which place I will leave in the course of the ensuing week. I hope to be with you as early as the 5th proximo at farthest, when I trust to have the pleasure of a personal interview, and interchange of opinion with you.

I have the honor to be with the highest consideration

Your very obt Sv't

(signed) ANSON JONES

Hon. J. EVE

Chargé d' Affaires of the U. S.

etc etc etc.

^a April 21, 1843. See Raymond to Jones, May 12, 1843.

JONES TO EVE.^a

[Acknowledging Eve's request for *exequaturs* for Morgan L. Smith, United States consul at Velasco, and Stewart Newell, United States consul at Sabine and such other ports as should be placed in his charge.]

JONES TO EVE.^b

EVE TO JONES.^c

LEGATION OF THE UNITED STATES
Galveston April 28th 1843

The Honble.

ANSON JONES *Secretary of State*
of the Republic of Texas

SIR

I herewith transmit you a copy of a letter from Reubin M. Potter Esquire, Collector of customs at Velasco, To A. M. Green Esquire United States Consul at Galveston, in reply to one from Mr. Green reques[ti]ng him to send the Register (to this Consulate) of a United States vessel, which the Captain said he had deposited with the collector at Velasco.

Also a copy of a letter from Mr. Green to this Legation upon this subject; In order to avoid many difficulties which under any other rule are liable to arise between the United States Consuls in Texas, and the masters of United States vessels, and difficulties which will arise between the Masters and Crew, as well, as to avoid an undue advantage which it gives vessels over other vessels from the United States by indulging the Masters to hold at the same time a coasting license and a United States Register.

I therefore respectfully suggest the propriety, of instructing the receivers of the Customs at the different Ports, not to grant coasting license to the Masters of United States vessels unless they file with the Collector a certificate from the Consul for that district, that they have filed with him their United States register. Such I am informed has been the rule observed by the receiver of the Customs at this port

With renewed assurances

of my continued regard

I am your Obedient Servant

JOSEPH EVE

^a April 22, 1843.

^b April 23, 1843. See Calendar of Correspondence with the United States in Part I.

^c A. L. S.

(Copy)

CUSTOM HOUSE PORT OF VELASCO

10th. of March 1843

To A. M. GREEN Esqr
U. S. Consul
Galveston

SIR

Your favour of the 10th of Febr. was duly received.

I am of opinion that when a foreign vessels register is tempora[r]ily deposited with the collector of Customs of this Republic conformably with the act of January 4th 1841 the collector is not bound to transfer the deposite to a consul residing in another collectoral District

Respectfully your Obt Sevt

(Signed)

REUBIN M. POTTER,
Collector.

(Copy.)

CONSULATE OF THE U. S. OF AMERICA
GALVESTON REPUBLIC OF TEXAS

17th March 1843

SIR

I find that many vessels sailing under the American flag and having American papers have applied to the Collectors of the Customs in the several ports in the Republic of Texas, for coasting license and have received them.

The masters of vessels should invariably make a deposite of his Register with the American Consul, and receive a certificate from him that such surrender has been made. Then and not till then should coasting license be granted to any American vessel by this Government.

This rule which to me would seem right, has not been adhered to. I have found masters of American vessels in possession of two sets of papers, and as they preferred to retain their coasting license, I have deprived them of the Register.

Finding American vessels with two sets of papers a coasting license and Register induced me to enquire how many and what vessels had applied for and obtained license to carry on the coasting trade, and the 10th. of February I addressed a letter to the collector of the Customs for the port of Velasco, and requested him to send me the Register of an American vessel which the Captain said he had deposited with the collector at Velasco, and requested also the collector at Velasco to advise me of the names of the American vessels he had granted license to in order To carry on the coasting trade. I received for answer, a note under date the 10th. Inst. a copy of which I herewith enclose.

You will see at once how improper it is to grant coasting license to American vessels, without keeping the American Consul advised of the fact, and as I have before said whilst the vessel is in possession of her register.

The American Consul is the proper person to have in possession the Registers of all vessels sailing under the American flag and not the collector.

If I thought proper I could appoint an agent at Velasco, and certainly if I have the right or authority to appoint an agent to receive the papers of American vessels I have the right to demand them of the collector.

I am Sir,

Most Respectfully

Your Obt. Servt.

(signed)

A. M. GREEN

The Honbl.

J. EVE

*Charge d' Affaires of
the U. S. to Texas.*

PETITION OF BOURLAND.^a

BENTON TO JONES.^b

EVE TO JONES.^c

[Jones's two letters of April 22, and his letter of April 23 have been received.]

VAN ZANDT TO JONES.^d

Dispatch No. 101

LEGATION OF TEXAS

WASHINGTON CITY

May 3rd. 1843

Hon ANSON JONES

Secty of State. SIR: Since my last dispatch nothing of importance has taken place in our affairs here. Mr Webster still continues in the State Department but will undoubtedly retire in a short time. It seems that all former conjectures as to his successor have proved false

^a Undated. Probably written about May 1, 1843. See Jones to Van Zandt, June 1, 1843.

^b May 1, 1843. See Jones to Van Zandt, June 1, 1843.

^c A. L. S., May 3, 1843.

^d L. S.

and it is now understood by all that Mr. Legare the present Atty Genl. is to be appointed, though it is also understood that the same will be only temporary.

The President will leave in a few days for Virginia. Mr. Upshur for the same quarter and Mr. Webster to Boston and not having heard any thing from you which would prevent me, I have concluded the present a favorable time to go after my family and shall accordingly start tomorrow morning. I shall return so soon as I can obtain means to bring me back. I had hoped to be able to hear something from you upon this subject, but not having done so I have thought no injury would result to the country by the step. I therefore hope the same may meet your approbation. Mr. Raymond will remain here, and will advise me of any commands from your Department, which shall be immediately attended to. His promptness in discharging his duties has caused me to take this step with less reluctance.

Col Daingerfield is in Baltimore, He writes me to day that he will probably sail about the 15th. Inst The last dates received from your Department are of 16th. February.

I have the honor to be with high regard your friend and Obt. Servt
ISAAC VAN ZANDT.

BOURLAND TO SECRETARY OF TREASURY OF TEXAS [SHAW].^a

HOUSTON TO EVE.^b

EXECUTIVE DEPARTMENT,
Washington [Texas], May 6th. 1843.

To Hon. JOSEPH EVE,

Etc., etc., etc.

MY DEAR SIR:—In the absence of the Secretary of State, by way of a familiar epistle, I design to communicate some official intelligence which is due to the government of the United States as well as to that of Texas.

The ink is scarcely dry upon the assurance that no aggressive action would take place on the part of this government against Mexico, beyond our avowed limits, unless it should be rendered necessary by the acts of Mexico towards Texas. In despite of this assurance our navy has gone to sea. In doing so, I can only say that the commander has committed the most flagrant outrage possible upon his country and the law of nations.

That you may assure your government that it has not been perpetrated with or by my connivance, I take pleasure in forwarding

^a May 4, 1843. See Calendar of Correspondence with the United States in Part I.

^b See Records of Department of State (Texas), Book 40, pp. 246-247.

to you a proclamation and order;^a and that you may have it in your power to make such representation to the government of the United States as will vindicate the head of this nation from the imputation of insincerity and duplicity.

The crime is one of great atrocity, and I have availed myself of the first moment to apply the only corrective in my power. All that has been done by Commodore Moore since the 5th. ultimo, has been in violation of orders, under suspension and arrest. You can now judge of matters.

On the 5th. of April, the order of the Department of War and Marine^b was placed in his hands, since which time he has ordered a court martial, approved the proceedings and executed the sentence.

By the copy of a letter of instructions,^c also, forwarded, which I delivered to one of the commissioners with orders to proceed immediately to its execution, you will find a clear anticipation of the course which would be attempted by Commodore Moore, and the precaution taken to prevent evil.

Such measures as you may be authorised to adopt for the present, apart from communicating the facts to your government, I trust will be adopted.

I am very truly your friend,

PORTER TO WEBSTER.^d

JONES TO VAN ZANDT.

(Copy)

DEPARTMENT OF STATE

Galveston May 8th 1843

Hon. ISAAC VAN ZANDT

Chargé d'Affaires of Texas etc

SIR,

On my arrival at this place the day before yesterday I received your official Dispatches of the 19th and 21st Ultimo. * * * e

If your request for leave of absence to visit your family is granted, you will be governed in the time of your leaving Washington by your own judgment, and with a view to make the visit at such a period as will give the least detriment to the public interests and it is hoped that your absence may not exceed six weeks or two months

^a March 23, 1843. See *The Morning Star*, May 11, 1843, and *The Red-Lander*, June 24, 1843.

^b Hamilton to Moore, March 21, 1843. See *The Red-Lander*, June 24, 1843.

^c Houston to Morgan and Bryan, March 23, 1843. See *The Morning Star*, June 13, and *The Red-Lander*, June 24 1843.

^d May 6, 1843. See Calendar of Correspondence with the United States in Part I.

^e Here is omitted a paragraph relating to Van Zandt's salary.

Should the contemplated change take place in the State Department and a new Secretary of State of the U States be appointed it would probably be well for you to remain at your post untill such time as you could, have a full understanding with him concerning the affairs of Texas. During the months of July and August, the officers of Govt. of the United States are generally absent, from Washington, and but little public business can be transacted there. If you could embrace this period conveniently for your visit home, there could be no objection to your doing so, and remaining untill those officers returned, and the public business should be resumed.

I enclose you herewith, a copy of the translation of a document, furnished to James W. Robinson (one of the Bexar prisoners) by the President of Mexico Gen. Antonio Lopez de Santa Anna. This embraces the propositions which Mr. Robinson was authorized by that functionary on behalf of the Mexican Government to make to the *people* of Texas, and instructions in relation to the same^a

No propositions of any character have been submitted by Mexico to this Government, nor was Mr. Robinson charged with any communication to it.

The propositions of Gen. Santa Anna, have been published by Mr. Robinson through the medium of the public papers, and have every where been met by the people to whom they were addressed with indignation and contempt, and rejected by one unanimous response from the whole country. You will at once perceive the absurd attitude in which Gen Santa Anna has placed himself by this injudicious and ridiculous attempt to create dissention and division among the people of Texas, or his ignorance of their character intelligence views and feelings in entertaining the expectation that they would accede to the proposed terms.

Mexico must restore us our murdered thousands before we can ever *entertain* the proposition of being re-incorporated with that Government.

I have the honor to be
with the greatest respect
Your Obt Svt

Signed ANSON JONES

P. S. Com. Moore sailed from the Balize on the 19th Ulto. and it is supposed has gone to Yucatan. This act is not only without the authority of this Govt. but is in express violation of its orders frequently repeated ^b

A. J.

^a See Niles' Register, LXIV, 97; *The Morning Star*, April 1, 1843; *The Red-Lander*, April 15, 1843.

^b To this and other charges of a similar kind, Moore replied at length in his pamphlet, "To the People of Texas."

EVE TO WEBSTER.^a

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Galveston May 9th 1843

Hon ISAAC VAN ZANDT

Chargé d'Affaires of Texas

SIR

Enclosed herewith I send you a copy of a communication received at this Department from Doct. Joseph W. Robinson a citizen of Travis County, relative to the negro boys captured by hostile Indians in 1840.

Dr. Robinson also states that a correspondence has been had by a former representative of this Government and the Government of the United States on this subject, but as the Archives of this Department are still detained by the citizens of Austin^b I am unable to, know the nature of that correspondence or the present situation of the business. If such a correspondence has been had it will be found on the files of the Legation at Washington, which you will please refer to, and take such steps in the matter as will bring the same to a conclusion, and that Dr. R. may either have his negroes restored to him (if the circumstances should be found as stated,) or be compensated for their capture, and loss

I have the honor to be

With the highest respect

Your Obt Svt

Signed

ANSON JONES

(Copy.c)

WASHINGTON [TEXAS] *April 20th. 1843*

Hon ANSON JONES

DEAR SIR In February 1839 a desc[e]nt was made by a party of Indians upon my plantation on the Colorado River and among other thing[s] carried off two negro boys one of them about thirteen or fourteen years old named Manuel the other nine or ten named Aaron and in the fall of 1840 I was told by a Delaware Indian of the name of Frank who is well known from the circumstance of his having a red

^a May 8, 1843. See Calendar of Correspondence with the United States in Part I.

^b Soon after the capture of San Antonio by Vasquez, March 5, 1842, President Houston moved with his cabinet to the city of Houston, and made that the headquarters of the government for the next three years. The people of Austin, however, would not surrender the archives. An abortive effort to carry them away by force resulted in what is known as the "Archive War." See Bancroft, *North Mexican States and Texas*, II, pp. 353-354.

^c See file relating to Indian Affairs in the State Library.

head that said boys were in the possession of a Mr Edwards a white man who lived in the Cherokee nation on the Canadian River and had a Creek Indian for a wife. upon the receipt of the above information I went directly to where Edwards was living and found the boys one of them at Edwards and the other at Chisholms who is a Cherokee and the soninlaw of Edwards neither Edwards or Chisholm were at home at the time and I was deterred from letting my business be known from the circumstance of having been cautioned particularly to not let it be known that I was a Texian and there was at that time a party of the Cherokees that had been Driven from Texas encampd in one mile of Edwards and directly on the road that I had to travel. When I arivd at home I made known to the Hon Secretary of State the whole matter as it then stood and he informed me afterwards that there had been a demand made of the U. S. A. Govt. for the negroes. Since that time I have not heard any thing of the matter except that the negroes are still in Edwards possession. Sir you will please to give me such information as may at any time come to your knowledge so that I can take such steps as is necessary on my part to recover the property

Yours respectfully

JOSEPH W. ROBERTSON

LEGARÉ TO VAN ZANDT.^a

PORTER TO LEGARÉ.^b

RAYMOND TO JONES.^c

WASHINGTON CITY

May 12th. 1843

HON ANSON JONES

Secty of State

DEAR SIR

A communication from the Department of State, here, has been recd. since Mr. Van Zandt's departure, and I deem it of sufficient importance to forward a copy to your Department, without waiting to hear from Mr. Van Zandt, to whom I also send a copy. I also enclose a slip, from the National Intelligencer of the 29th. ult, bearing upon the subject embraced in the communication above referred to.

Mr. Webster withdrew from the Department of State on the 8th. inst, and Mr. Legare Atty Genl. has been charged with its direction ad interim.

^a May 10, 1843. See Raymond to Jones, May 12, 1843.

^b May 11, 1843. See Van Zandt to Jones, August 15, 1843.

^c A. L. S.

The President and Secretary of Navy are now in Virginia, and are expected to be absent two or three weeks.

I consider it almost certain that Mr. Upshur will receive the appointment of Secretary of State, so soon as he completes some matters connected with the Navy, with which he has been charged.

Mr. Cushing has been appointed Commissioner to China, and Fletcher Webster Secretary of the Mission.

I expect to hear from Mr. Van Zandt in about ten days. His last Dispatch to your Department was dated the 3rd. inst.

With the highest sentiments of regard I have the honor to be

Very respectfully

Your friend and Obedt. Servt

CHAS. H. RAYMOND

P. S. To save postage I give a copy of the slip alluded to

[Inclosed are copies of the following:^a Legaré to Van Zandt, May 10, 1843; and Mitchell to Porter, April 21, 1843.]

JONES TO EVE.

DEPT OF STATE

Washington [Texas] May 16th 1843

The Undersigned Secretary of State of the Republic of Texas having laid before his Excellency the President the communication from Mr. Joseph Eve Chargé d'Affaires of the United States, of the 13th Ultimo requesting on the part of the United States that Texas will abstain from carrying on the war against Mexico (Should it continue) by predatory incursions whether with a view to retaliation or otherwise, has now the honor by the instructions of the President to assure Mr. Eve that no orders have been or will be issued by him authorizing any predatory incursions into the territory of Mexico and that Texas will continue to abstain from any such mode of warfare, and that in the further prosecution of the contest she will carry it on, according to the rules recognized by all civilized nations in modern times; unless provoked to a contrary course by a continuance of unwarrantable acts of aggression, inhumanity robbery and perfidy and murder on the part of Mexico herself.

In the personal interviews with Mr. Eve which the undersigned had the honor of holding at Galveston recently in relation to this subject, this assurance was given Mr Eve verbally; and the Undersigned is happy in stating to Mr Eve that the President has been much gratified in receiving the information then given the Undersigned that his Excellency's conduct and policy in the prosecution of the contest with Mexico and in the mode of warfare adopted by

^a See Calendar of Correspondence with the United States; Part I.

him, were well understood by Mr Eve and that they had obtained his entire sanction and approval.

The Attitude towards Texas and Mexico now assumed by the Government of the United States as the leading power upon the continent of America, and the Conservator of those high principles of civilization and humanity regulating the mode of modern warfare, as acknowledged by all Christian States in the present age, being in accordance with the declared views and wishes of this government, the Undersigned is further instructed to assure Mr. Eve that the President of Texas will endeavor by every means in his power to promote and render effectual the great end and object which the United States propose to themselves in taking this attitude

The Undersigned avails himself with much pleasure of the present occasion to renew to Mr. Eve the assurance of the great respect and esteem with which he has the honor to remain

His most obt

and very humble Servant

Signed

ANSON JONES

Hon. JOSEPH EVE

Charge d' Affaires of the U. States

etc etc etc

JONES TO EVE.

DEPT. OF STATE,

Washington [Texas], May 17th, 1843.

The undersigned, Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the note addressed to him by Mr. Eve, on the 28th. ult. in relation to the subject of coasting licences.

Although the adoption of the suggestion of Mr. Eve, in regard to this matter, might, perhaps, be productive of much general convenience and benefit, the undersigned nevertheless conceives that the instruction to the receivers of customs, asked for, can not be given, as it would not be in accordance with the provisions of the fifth section of an act of the Congress, entitled "An Act for the regulation of the Coasting Trade and the protection of Texian Shipping", approved January 4th. 1841.^a

The undersigned avails himself of this occasion to renew to Mr. Eve the assurances of his distinguished consideration.

(Signed)

ANSON JONES

To Hon. JOSEPH EVE,

Chargé d' Affaires of the United States,

etc. etc. etc.

Galveston.

^a Gammel, *Laws of Texas*, II, 479.

CRAWFORD TO PORTER.^aPORTER TO LEGARÉ.^b

JONES TO VAN ZANDT.

DEPARTMENT OF STATE,
[WASHINGTON, TEXAS,]

June 1st 1843

HON. ISAAC VAN ZANDT

Chargé d'Affaires of Texas

SIR

The enclosed documents marked from A to [F] will give you all the information in the possession of this Department concerning certain outrages recently committed upon the authorities and citizens of this country by officers and citizens of the United States.

You will cause information of the same to be laid before the Government of the United States at your earliest possible convenience, with a respectful but urgent request for such prompt redress as the circumstances of the cases require.

I have the honor to be,
with high consideration,
Your very obedient servant,

(signed) ANSON JONES.

(The documents accompanying this communication were copies of the following, viz.^c

1. A letter from Dist. Atty. 7th Jud. Dist. reciting the manner in which the goods etc. were taken from the collector. "A."

2. The petition in the action commenced by the collector in the Dist. Court of Red River, with the order of the Judge thereupon. "B." This contains a description of the goods etc.

3. Letter from Sec^y of the Treasury, enclosing certain documents relating to the subject. "C."^d

4. Letter from collector to Sec'y Treasury—reciting the History of the transaction. D^e

5. Letter to collector from Acting Sec'y of the Treasury "E."^f

6. Letter from acting Secretary of Treasury to certain traders. F.^g)

^a May 26, 1843. See Van Zandt to Jones, June 29, 1843.

^b May 27, 1843. See Van Zandt to Jones, June 29, 1843.

^c What follows in parenthesis is an explanatory statement appended to the copy of the letter.

^d This letter has not been found.

^e See Calendar under title of Bourland to Secretary of Treasury of Texas [Shaw], May 4, 1843.

^f See Calendar under title of Shaw to Bourland, April 17, 1843.

^g See Calendar under title of Bourland to Doak & Tims and others, April 17, 1843.

[The communication from the district attorney inclosed with the original Department of State letter to Van Zandt is as follows:]^a

CLARKSVILLE, TEXAS, *May 1st, 1843.*

TO HON. ANSON JONES,
Secretary of State.

SIR,

The enclosed Petition will give all the information in my possession concerning the seizure of certain Goods etc. imported to, and stored within the limits of this Republic.

It becomes my duty to report to your Department the manner in which said Goods, were taken from the possession of James Bourland, the Collector of Customs for this District. Captn. Joseph Scott, the master of the Steamer Fort Towson mentioned in the petition, after learning of the seizure, and before the issuing of the monition by the Clerk as required by law, proceeded to the landing at which said goods were stored, and then in possession of the Collector, and together with the crew of his own vessel, and that of the Steamer Hunter, consisting of about thirty men in all, after seizing the Collector, forcibly took the goods out of his possession, and reshipping them on board of his vessel, immediately conveyed them off. This flagrant violation of the requirements of good neighborhood, and infraction of our rights as a nation, by a citizen of another Government, (the United States) was accompanied by the grossest indignities to the person of the Collector Mr. Bourland, who was seized by this lawless band of ruffians and intruders, forcibly thrown down, and tied hand and foot, and compelled to remain in that degrading situation, until they completed their robbery.

I have conceived it my duty to furnish you with this statement of the facts, to enable you to take such steps as may be necessary to obtain redress for this; and prevent the recurrence of similar outrages; by teaching the aggressors what fearful risks they run, by an interference with the rights of nations. Something should be done by our Government, to remedy the frequent violations of the rights of both our Citizens, and Government. The citizens, and I am sorry to add, too frequently the Officers of the United States, forgetful of the principles of justice, and all regard for treaty stipulations, trample upon those rights, reckless of the consequences that may ensue from embroiling the two Countries; careful alone of their own personal safety, and arrogantly insulting, from the hope, that they will be shielded by their own Government.

In October last, a Col. Loomis, the Commandant of the garrison at Fort Towson, without justification or provocation, ordered the

^a See Records of Department of State (Texas), Book 45, p. 84.

destruction of a number of Barrells of Whiskey, the property of Capt. Travis G. Wright, (a highly respectable and worthy citizen of this Republic). The Whiskey was on board a keel boat, upon which it had been freighted, and which said boat was discharging freight for the Garrison, at Fort Towson, previous to proceeding to Captain Wrights landing, which order was executed. The proofs, I am happy to learn are being prepared to be sent to your Department.

Whilst every exertion is being used to enforce the treaty stipulations governing the intercourse of the two countries, by the authorities of this, I can hear of none being made to check their infraction on the part of the United States, or any notice taken of the conduct of offenders; If that Government were notified of this state of affairs, they would certainly remedy it.

I have the honor to be,
Your Obedient Servt.

JESSE BENTON JR.

Dist. Attorney

7th. Judl. Dist.

[The petition of Bourland, also enclosed in the original letter to Van Zandt, is as follows: ^a]

<p>THE REPUBLIC OF TEXAS <i>County of Red River</i></p>	{	<p>To the Honorable John T. Mills, Judge of the Seventh Judicial District, Pre- siding in Law and Equity.</p>
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The Petition of James Bourland, Collector of the Customs, in and for Red River District, for the Republic of Texas, aforesaid, by Jesse Benton Jr. Dis. Attorney, would respectfully show and represent unto your Honor; that on or about the fifteenth day of March in the year of Our Lord One thousand eight hundred and forty three; certain Goods, Wares, and Merchandise, from a foreign port, and from foreign ports, and on a foreign vessel or Steam Boat, called and known by the name of the Fort Towson, were imported to and within the limits, and bounds of the Collectoral District, aforesaid, in the Republic of Texas aforesaid; And that the said Goods, Wares, and Merchandise, hereinafter described and set forth: so imported and introduced from a Foreign Port as aforesaid, by and on and upon a foreign vessel or Steam Boat called the Fort Towson; were then and there landed, imported, and introduced, into the said Republic of Texas, at a certain landing, port, or place called Rowland; and usually known and called by the name of Brierly's ^b Landing, the same being in Red River County, and the Republic of Texas, aforesaid; and proceeded to land,

^a See Records of Department of State (Texas), Book 45, pp. 86-89.

^b The correct spelling is Bryarly.

deposit, and store the said Goods, Wares, and Merchandise as above mentioned; without then and there, and in the necessary and due time required by the Laws of the Republic of Texas; and the Laws regulating the Revenue, and for the collection of the impost duties, for the same; making a written report, and entry of the said Goods, Wares, and Merchandise, to the said Collector of the Customs, for the said District, or his legally authorized Officer, in accordance to law; and without making a report to him, of the same; and did fail to make a proper manifest in writing, containing and presenting the marks, numbers, contents, and packages and of all the different packages, or parcels of Goods, Wares, and Merchandise; so imported, introduced, and landed by the said Steam Boat called the Fort Towson; and the place where the said Goods, Wares, and Merchandise, were taken on board, and shipped at; together with the name and description of said Boat, her burthen and tonnage etc; together with the name, of the Consignees of all the same, to the Collector of the Customs in and for said District, and the Republic aforesaid; within the time required by the laws of Congress, regulating the collection of the Revenue by Impost Duties, and entitled an Act, "Altering the several Acts to raise a Public Revenue by Impost Duties," which recites; that "all duties accruing to the Republic under this Act, and which may be levied and assessed on Goods, Wares, and Merchandise, imported into the territory of the Republic, shall be paid to the *Collector* of the port, district, or station, in cash, at the time of such importation, on proper, and lawful entry thereof being made, to the Collector, or proper Officer of the Customs, which cash payment must be made in Gold or Silver, or in the Exchequer Bills of this Government; and it shall not be lawful, for the Officer, or Collector of the Customs, to deliver or permit the delivery of any goods, wares, or merchandise, to any Consignee, Agent, or proprietor, thereof, except in the manner herein provided, unless the amount of Duties accruing thereon shall first have been paid to the Collector, or proper Officer of the Customs, appointed by such Collector to receive the same."

And your petitioner, would further respectfully represent unto your Honor, that the said Goods, Wares, and merchandise, as heretofore stated, having been so imported, landed, and introduced from a foreign port or ports, by the Steam Boat Fort Towson, as aforesaid; and landed and deposited within the limits and territory of the said Republic of Texas, without a proper entry thereof being made, in the time and manner required by law; and the duties on the same, in accordance to the law in such cases made and provided; not having been paid, as aforesaid; And your petitioner having reason to suspect, that the same, and aforesaid mentioned goods, wares, and merchandise were subject to duty; and that the same were concealed, and

deposited in a store house, in the territory and limits of said Republic; he proceeded by a warrant granted by and from a proper Officer, and proceeded to search for the same, on or about the twenty-sixth day of March A. D. 1843; when the following goods, wares, and merchandise, packages, and parcels, all being subject to duty, were found deposited and stored, at the above named place or town called Rowland, also usually known and called Brierly's Landing, on Red River, the same being in Red River County, and within the limits and the Territory of the Republic of Texas, which were then and there seized by him, in accordance to the Law: Viz

[Here follows the invoice.^a]

All of which parcels, and packages of goods, wares, and merchandise, as above named and described, were seized and secured in accordance to Law. And your Petitioner would further represent unto your Honor, that conceiving the above mentioned goods to be forfeited, under the Law in this case made and provided; inasmuch as the Duties, upon the same were not paid to the Custom House Officer, for said District; nor entered with the proper officer as required by Law; your petitioner, would therefore respectfully request of your Honor, that you do issue a decree, ordering the said Goods, wares, and Merchandise, as aforesaid to be libelled, and prosecuted in the proper Court, having cognizance of the same; and that the owners of said vessel on Steam Boat, and claimants of said goods, wares, and merchandise, whoever they may be, to be cited to appear before your Honors Court, and respond and answer to the same; as by law they are required to do; And that Judgment be then and there rendered in the same etc.; and your Petitioner as in duty bound will ever pray etc.

JAMES BOURLAND, *Collector*

by

JESSE BENTON JR. *Dis. Att'y*
7th. Judl. Dist.

VAN ZANDT TO LEGARÉ.^b

LEGARÉ TO VAN ZANDT.^c

MEMORIAL OF COOPER.^d

^a See U. S. Pub. Docs., 449, Doc. 1, p. 94; *ibid.*, 463, Doc. 2, p. 94.

^b June 1, 1843. See Van Zandt to Jones, June 5, 1843.

^c June 1, 1843. See Van Zandt to Jones, June 29, 1843.

^d Undated. See Van Zandt to Jones, June 5, 1843.

VAN ZANDT TO JONES.^aDespatch No 101^b

SALEM TENN 5th June 1843

HON ANSON JONES

*Secretary of State**etc. etc. etc.*

SIR

I have the Honor to enclose you a copy of the letter of Mr Legare Secretary of State of the United States ad interim and a copy of the letter of D D Mitchell Supt. In^c Affairs at St Louis which accompanied the letter of Mr Legare both of which treat in relation to an assemblage of armed persons on the Western borders of the United States who it is alledged are acting under and by authority of commissions issued by the Government of Texas to Col Warfield and others. Having no information from your department in relation to this subject you will perceive from my note in reply to Mr Legare that I have not committed my Govt in any manner in relation to the same A copy of my note to Mr Legare dated June 1st is herewith submitted for your information. I hope I shall be favored with a reply and the instructions of your department concerning the same at the earliest day possible.

I enclose you a copy of the petition of Joseph Cooper Gun maker of the City of New York in which he states Genl Hunt is indebted to him a large sum for arms etc. which he prays may be paid by the Texian Government I wrote Mr Cooper in reply in which I expressed the opinion that the contract from his own showing as well as other circumstances known to me was a private one and would not likely be met by the Govt but that the same would be submitted by me to your department for its information. I deem it unnecessary to add any thing further in relation to the petition as its showing is sufficiently explicit

* * * * *

I remain with great Consideration your very Obt servant

ISAAC VAN ZANDT

(private)

I have said the letter of Mr Legare and that of D D Mitchell are enclosed. I did not think it necessary to send a duplicate copy as

^a A. L. S.

^b Properly 102. Van Zandt to Jones, May 3, 1843, had been numbered 101.

^c Indian.

^d The matter omitted here relates to Van Zandt's salary.

Mr Raymond sent a copy direct from Washington which you will please consider a portion of this dispatch. (I mean the copies of the letters alluded to.^a)

[Inclosed is a copy of Van Zandt to Legaré, June 1, 1843.^b]

To his Excellency, the
Minister of Texas
at Washington etc etc

The memorial of Joseph Cooper of the City of New York, Gun Maker

Respectfully sheweth That in the year one thousand eight hundred and thirty six, your memorialist Joseph Cooper was applied to by General Memucan Hunt to furnish fire arms, swords and ammunition to be used by the Texian Army, and trusting in the honor and statements of the said Genl. Memucan Hunt your memorialist was induced to agree to furnish the same and General Hunt handed your memorialist several promissory notes—the payment whereof were also guaranteed in writing by the Honorable J Pinckney Henderson, his guarantee being in the following words:

“Know all men by these presents that whereas one hundred and sixty promissory notes are this day made by Major General Memucan Hunt of the Texian army of five hundred and eighty dollars each, payable at the Bank of America in the City of New York to the order of H. S. Foote, due two years after date, Now I J. Pinckney Henderson being jointly interested with said Hunt in raising of the money designed to be raised upon said notes for the benefit of the cause of Texas, do hereby in consideration of the same, guarantee the faithful payment of the same, assuming all responsibility in relation to the liquidation of said notes anterior to all the endorsers who may successively endorse the same: and do hereby absolutely pledge my estate both real and personal in behalf of said liquidation, so as to secure the punctual payment of all of said notes, and thereby entirely liberate all endorsers whatever from all responsibility and shield them effectually against all pecuniary detriment, each of which promissory notes are of the same tenor and date, and amount in the aggregate to the sum—ninety two thousand dollars.

Witness my hand this twenty ninth day of September, in the year of our Lord one thousand eight hundred and thirty six.

J. PINCKNEY HENDERSON”

^a For these letters, see Raymond to Jones, May 12, 1843.

^b See Calendar of Correspondence with the United States, Part I

And your memorialist shows that he furnished to General Hunt as far as it was possible at the time such fire arms, swords and ammunition as follows:

H. 1.3. 3 cases containing		
50 United States Carbines a \$25.....		\$1250.
12 moulds for ball and buck shot \$1.50.....		18.
50 M large Percussion caps \$1.....		50.
3 boxed.....		6
4.5 2 cases containing		
50 best cavalry swords \$6.....		300
2 boxes and Cartage.....		3
6.10. 5 cases muskets containing		
100 United States muskets and bayonets @ \$6.....		600.
5 cases and cartage.....		7
		<hr/>
		\$2234.

And your memorialist shows that though he holds nineteen of the one hundred and sixty promissory notes mentioned in the guarantee of J Pinckney Henderson, yet he has no right over the same, except to the extent of the above balance of Two thousand and two hundred and thirty four dollars, and he is willing to give up all the notes if he can be paid what is justly due to him.

Your memorialist was obliged on account of General Hunt not paying the account or any of the notes to sue General Hunt in New Orleans, whose bail, however, took advantage of an act then lately passed; and your memorialist instead of securing any part of his debt has to pay his lawyers a large amount for fees.

Although he has made urgent request of General Hunt to pay or cause the said amount due to him to be paid, and though application has been made to the surety General Henderson, yet the debt has been in no way paid, although your memorialist has been greatly distressed for the want of money; that he is now over sixty years of age; and will not be able to pay his honest debts unless the above account be paid to him.

And your memorialist shows that inasmuch as the said fire arms, swords and ammunition were ordered for and used by the Texan Government, therefore it is respectfully urged and asked that the Texas Government should through your Excellency, cause or take such measures that the said account may be paid.

Your Memorialist prays accordingly that your Excellency will take such measures as will secure to your memorialist and his family the said amount of Two thousand Two hundred and thirty four Dollars.

(signed) JOSEPH COOPER

(Copy)

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Washington [Texas], June 8th. 1843.

Hon. I. VAN ZANDT

Chargé d'Affaires

SIR,

I have the honor to acknowledge the receipt of Mr. Raymond's letter to this Department, under date of the 12th Ultio. with the accompanying documents, in relation to certain acts of Col. Warfield.

Enclosed I send you a copy of the instructions given to Col. Warfield by the Secretary of War and Marine in August last,^a since which time the Government of Texas, has had no communication with that Gentleman. Indeed untill very recently it had supposed that the proposed expedition of Col. Warfield had been long since abandoned. When he received his commission and these instructions, the Government was led to believe that he would act immediately, and the object of giving him his powers was to make a diversion through his agency, so as to favor the expedition which [it] was anticipated would cross the Rio Grande in the fall, and after occupying Santa Fé (which is in our declared limits) to fall down and form a junction with the leader of that expedition. From his not having acted at the contemplated period, therefore, the presumption was that he had abandoned his expedition.

You will percieve that the instructions to Col. Warfield in no respect authorize his enlisting men and organizing an expedition within the limits of the United States, and this government disclaims giving its sanction to any act of Col. Warfield, which should violate the rights or hazard the neutral obligations of the United States.

The enclosed letter from the Department of War and Marine you will forward to Mr. Warfield whenever you can ascertain his locality. Upon his receipt of the same it will operate as a notification to him that all powers heretofore granted him by this Government have been revoked.^b

On receipt of this dispatch you will address the Department of State of the United States, giving the explanations authorized above and communicating the fact that the letter revoking the powers granted to Mr. Warfield has been sent him.

I have the honor to be
with the highest respect
Your Mo. Obt. Svt.

(Signed)

ANSON JONES

^a August 16, 1842. See Calendar of Correspondence with the United States, Part I.

^b No copy of this letter has been found.

EVE to PRESIDENT OF TEXAS [HOUSTON.]^a

EVE TO JONES.^b

[Transmitting Eve's letter of recall and his address to President Houston, June 10, 1843. The address follows:]

GALVESTON

June 10th. 1843

Mr. PRESIDENT,

I am instructed by the Secretary of State of the United States, in taking leave of your Government to avail myself of the occasion, to express to you assurances of the continued good will of the President of the United States towards the Republic of Texas—And his desire to preserve and improve the relations of harmony, so happily subsisting between the two countries, which I pray God may continue to exist. Were I to stop here Mr. President without expressing my gratitude for your kindness, and that of the people of Texas to me, I should do injustice to my own feelings. The courteous, and unceremonious manner with which you, and each member of your Cabinet have received me in public, as well as our private intercourse, calls from me most sincerely the expression of my thanks. And wherever my future destiny may place me, the Government and people of Texas, will have my warmest wishes, for the success of their just cause, their prosperity, and happiness. I will further say Sir that I trust, and hope the day is not distant, if Mexico shall not yield to the remonstrances of friendly foreign powers, and acknowledge the independence of Texas, that my Government being the oldest on this continent, will pursue the example of the leading European powers on that continent, and say to Mexico, the war you are waging is hopeless, you are conducting it in an unchristian manner, and not according to the usages of international law, with Christian people, that it is an useless waste of human life, and is daily producing individual suffering, that it interrupts and harrasses the commercial relations of every country, and more especially that of the U. States. Therefore you must cease your hostile operations.

It is now more than seven years since the declaration of your independence, which I consider to have been perfected on the glorious and memorable field of San Jacinto, where you sir in the van of your gallant comrades, acquired a fame that time cannot take from you. The mercy and humanity displayed on that occasion to a foe that had never shown either, adds a glorious lustre to the victory of that day. The hitherto victorious Santa Anna, whose hands were imbrued with

^a A. L., June 10, 1843. See Eve to Jones of the same date.^b A. L. S., June 10, 1843.

the blood of your countrymen, who had perfidiously violated the terms of capitulation entered into by the lamented Fannin, who in violation of the laws of justice, humanity, and of God, caused him and his gallant companions to be slain in cold blood. He had justly forfeited his life, yet History will record that you spared this monster of blood, when in your power, and that this great victory, was not stained by a single act of violence or of bloodshed. This act alone should entitle you to the admiration of posterity.

You have Mr. President a beautiful and most desirable country, your climate is fine, the soil equal to any, and rewards the husbandman with a bountious plenty, your vast prairies with its perpetual verdure affords inexhaustable grazing for the herdsman. You have fine navigable streams. With all these advantages a few years peace; with a wise, economical and energetic administration of the affairs and the laws of the country, will make Texas, "rich, happy, and Free"

Altho, Texas has for some time labored under every disadvantage, produced from causes beyond her control, in a great degree, her population has steadily increased and will continue to increase, your agricultural wealth has been developed, in a ratio not surpassed by any country. Whilst Mexico in the oppression of her people, disregard of law, and order and internal convulsion, has shown her unfitness, to render happy and secure any people. The intelligence of your people, and the great natural advantages of the country, does not leave a doubt that Texas is destined to take a proud rank amidst the Republics of America, unless her onward course be retarded by folly, and unwise Government. The race from which we have descended, forbid the idea, that the cause of civilization, and free government will fail in their hands

Mr. President you have been a second time called by the suffrage of a large majority of your fellow citizens to preside over the destinies of this young and rising Republic. And altho you have been surrounded by difficulties seldom met, in the administration of affairs, I doubt not you will close your administration in a manner most satisfactory, to your countrymen, and those who feel an interest in Texas abroad, and that you will add to a fame so hardly won. You have my prayers for your success in behalf of your Country, as well as individually

I have the honor to be with great consideration

Sir

Your obedient Servant

JONES TO VAN ZANDT.^a

^a June 10, 1843. A copy of Jones to Smith of the same date. See Calendar of Correspondence with Great Britain.

JONES TO VAN ZANDT.^aDEPARTMENT OF STATE,
Washington [Texas], June 15th. 1843.Hon. ISAAC VAN ZANDT,
Chargé d'Affaires of Texas
etc. etc. etc

SIR,

Since my communication to you of the 10th. Inst., information has been received from Mexico, through H. B. M. Chargé d'Affaires near this Govt. that Gen. Santa Anna has given orders for a cessation of hostilities on his part, and that he would agree to an Armistice with Texas, and receive Commissioners to treat on terms of peace.

Copies of the several documents in relation to this matter, together with the Presidents Proclamation of an Armistice are herewith enclosed for your information.^b

As this information somewhat alters the aspect of our affairs, you will defer for the present, communicating the "Declaration" which you were instructed to make to the Government of the United States, in my despatch to you of the 10th. Instant.

I have the honor to be,

With the highest regard,

Your very Obt. Servt.

ANSON JONES

P. S. There will be no impropriety perhaps in your letting Mr. Legare have the perusal of my whole despatch of the 10th. Inst., as it indicates the course which this Govt. may have to pursue in the event of the negotiations with Gen. Santa Anna failing.

A. J.

(Duplicate sent to A. Smith, Esqr.)

MURPHY TO SECRETARY OF STATE [LEGARÉ].^cVAN ZANDT TO JONES.^dDespatch 102 ^eLEGATION OF TEXAS IN THE
UNITED STATES FRANKLIN COUNTY TENN

29th June 1843

Hon ANSON JONES

Secretary of State of Texas

SIR

I have the honor to acknowledge the receipt of your Official Communications of the 8 and 9th Ultimo. In regard to that portion

^a Copied, *mutatis mutandis*, from Jones to Smith of the same date. See Records of Department of State, Texas, Book 44, p. 100.

^b No copies were made for preservation in the Texan archives. For the proclamation, which was dated June 15, 1843, see *The Morning Star* (Houston), June 20, 1843.

^c June 16, 1843. See Calendar of Correspondence with the United States in Part I.

^d L. S.

^e Properly 103. See Van Zandt to Jones, June 5, 1843, note.

of the same which relates to negroes of Mr Robinson alledged to have been carried off by the Indians of the United States I find the following to be the situation as appears from the records of this legation. Mr Amory in the absence of Mr Bee on the 19th of May 1841 addressed Mr Webster a communication on the subject submitting Mr Robertsons statement (which I suppose similar to the one now made) and requesting the restoration of the two negro slaves to their owner the punishment of the offenders and remuneration for all other injuries to Mr Robertson and his property. On the 7th October same year Fletcher Webster Acting Secretary of State replied by stating that the matter had been referred to the War Department, that the Secretary of War had considered and reported upon the same, a copy of whose report was submitted to Mr Amory. The Secretary of War in his report says that there is no evidence whatever submitted that the Indians who committed the depredations were from the United States and argues that the probability is they were Indians belonging to Texas. He states that the 33rd Article of the treaty does not require the restoration of property and only contemplates the prevention of hostilities and return of captives. That the United States could only use persuasive measures with the Indians to procure a restoration of property and if they failed Mr Robertsons remedy would be indemnification by the Govt to be settled by negotiation. He further states that ["in regard to the two negroes if it be found that they are the property of Mr. Robertson and that they were brought from Texas by United States Indians considering them as *captives* the 33rd Article of the treaty with Mexico would require them to be restored"] He then goes on to state the act of April 20th 1818 ^a which makes it penal to bring hold or sell a slave from any other country etc and closes by saying that "under the provisions of this act if the negroes belong to Mr Robertson whether they were captured by our Indians or not unless they are fugitives they would have to be given up and those who brought them into the country and now hold them would be liable to be prosecuted and to the penalty of this act"

Mr Amory replied on the 11th ^b of October 1841 say[ing] that "as the Govt of the United States still keeps the question of proof of the wrong referred to open and upon that account declines admitting to their full extent the justice of the complaint of Indian aggressions that he will advise his Government of the position in which the matter now stands so that the most irrefragible evidence may be furnished etc"

On the 12th of the same last mentioned month and year Mr Amory laid the whole subject before the Govt of Texas with the suggestion

^a *United States Statutes at Large*, III, 451-453.

^b Or the 12th. See U. S. Pub. Docs., 660, Doc. 14, p. 66, where the letter is printed.

that all the evidence possible should be procured in relation to this and other Indian aggressions and laid before the United States Charge in Texas or communicated to this legation. Since that time the matter has rested so far as any thing appears among the papers or upon the records of this Legation.

The United States appear to be willing to consider them as captives or as slaves brought into the country in violation of law. Mr Amory seems to have sent the original statement of Mr Robinson and all the other evidence if there was any to the Secretary of State of the United States. From these facts I think it best that the matter should be referred to Mr Robinson that he may obtain all the proof possible before the subject is brought up again. Entertaining this view I shall let the matter rest here untill I shall hear again from your Department in relation to the same, when I shall without delay proceed in accordance with your instructions should you submit them for my guidance

* * * * *

I enclose you a copy of a communication recd from Mr Legare Acting Secretary of State in reply to my note of the 3d of February last in relation to the conduct of A M M Upshaw Indian Agent and the accompanying documents enclosed by Mr Legare. I thought it only necessary to acknowledge their receipt and advise Mr Legare that the same was transmitted to my Government for its information.

The complaint against the whiskey shops upon the line on the Texian side has been frequently made to the War Department here as I have been told by the Secretary of War. If our Government has the power to prevent the sale of whiskey to the Indians along the line I have no doubt its exercise in suppressing the traffic would be attended with the most salutary effects

I start this day for Washington with my family. I go by private conveyance. In granting me leave of absence you suggest the months of August and September but say I must leave at such time as will be least detrimental to the public service. I have been governed by the last suggestion. The President and most of his Cabinet being now absent from the seat of Government I deemed it best to avail myself of the occasion to visit my family during their absence. I hope to be able to reach there by their return.

With high regard your

Most obt sevt

ISAAC VAN ZANDT

[Inclosed are copies of the following:^b Upshaw to Crawford, April 15, 1843; Crawford to Porter, May 26, 1843; Foster to Legaré, May 27, 1843; Legaré to Van Zandt, June 1, 1843.]

^a Here is omitted a paragraph relating to Van Zandt's salary.

^b See Calendar of Correspondence with the United States in Part I.

VAN ZANDT TO LEGARÉ.^a

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
Washington [Texas] July 6th 1843

Hon. ISAAC VAN ZANDT

Chargé d'Affaires of Texas etc

SIR,

In a communication from this department addressed you on the 10th day of February last you were instructed to give to the Secretary of State of the United States certain verbal assurances in relation to the subject of the annexation of Texas to that government, and authorized on the happening of certain contingences to enter into some preliminary negotiations in relation to this subject, etc.

The United States having taken no definite action in this matter, and there now being an increased prospect of an adjustment of our difficulties with Mexico, the President deems it advisable to take no further action at present in reference to annexation, but has decided to await the issue of events now in progress, and to postpone that subject for future consideration and for such action as circumstances may (hereafter) render most expedient for the interests of this country.

It is believed that the settlement of our difficulties with Mexico and the acknowledgement of our independence by that power will very much simplify the question of the annexation of Texas to the United States, and if after this event Texas should continue to desire this annexation, a treaty for the purpose would be more likely to succeed and to meet with favor from the people of the United States; than if, as now, that question were embarrassed with a question and involved the contingency of a war between that Government and Mexico.

It being therefore the policy of this government to occupy itself for the present exclusively with the subject of an adjustment of the existing difficulties with Mexico, the instructions given you on the tenth day of February last above referred to are hereby suspended untill further notice shall have been transmitted you from this department.

In your personal intercourse with the Secretary of State of the United States it may be proper that you should communicate this fact to him verbally.

I have the honor to be
with the highest respect
Your Mo Obt Svt

(Signed)

ANSON JONES

^a June 29, 1843. See Calendar of Correspondence with the United States in Part I.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Washington [Texas] July 7th 1843

Hon ISAAC VAN ZANDT

Ch. d'Aff etc

SIR

I have the honor to acknowledge the receipt of your despatch No 101 ^a under date of the 5th June Ult. with its enclosures

A copy of Mr. Legare's note in reference to the acts of Col. Warfield was previously forwarded to this Department by Mr. Raymond and instructions on that subject were sent you on the 8th. Ult.

In relation to the petition of Mr. Cooper Gun Maker of New York for payment of a claim of \$2234, for arms etc furnished to Gen. Memucan Hunt in the year 1836, I have consulted that gentleman who is now at the seat of government, and he informs me that the transaction between himself and Mr. Cooper was a private one entirely, and that the responsibility of the government of Texas was in no way involved in the same, which was the understanding between himself and Mr. Cooper at the time. As the expedition for which these arms etc. was furnished did not go into effect, it is believed that the Government of Texas received no benefit or advantage from the same and consequently there can be no obligation on its part to assume the debt.

* * * * *

My last communications to you were of the 8th and 16th ^c of June Ult.

I have the honor to be
with the highest respect
Your obt svt

(Signed) ANSON JONES

P. S. Please present my best respect to Mr. Bodisco and to Mr Serruys

(Signed) A. J.

MURPHY TO LEGARÉ.^d

MURPHY TO LEGARÉ.^e

REPORT OF SNIVELY.^f

^a 102. See Van Zandt to Jones, June 5, 1843, note.

^b Here and after the postscript are omitted paragraphs relating to Van Zandt's salary.

^c A dispatch of the 15th, but none of the 16th, is copied in the Records of Department of State (Texas).

^d July 8, 1843. See Calendar of Correspondence with the United States in Part I.

^e July 9, 1843. See Calendar of Correspondence with the United States in Part I.

^f July 9, 1843. See Jones to Van Zandt, September 29, 1843.

VAN ZANDT TO UPSHUR.^aVAN ZANDT TO UPSHUR.^bVAN ZANDT TO JONES.^c[104^d]

LEGATION OF TEXAS

Washington City August 10th. 1843

HON ANSON JONES

Secretary of State

SIR

In your despatch of the 22nd. of May last,^e I was requested to procure for the use of your Department the different forms used in the patent office of the United States, and also the laws in relation to patents; and to forward them by the first safe opportunity to the care of Wm. Bryan, Texas Consul, New Orleans. Since the receipt of that despatch no opportunity has offered itself, by which I could send the papers desired. So soon as I can do so, I will send you, not only those of the patent office, but also of the Post Office, and the census documents, which I have heretofore procured for the use of your Department. Should I not be able to send them by private conveyance in the course of six weeks, I will box and ship them to New Orleans, via. Baltimore.

In your despatch of the 1st. of June, I was instructed to communicate to the Government of the United States, information of the outrage lately committed upon Col James Bourland, Collector of Red River, by certain citizens and officers of the United States, and to ask that the Government of the United States should take the necessary steps to afford such redress, as the circumstances of the case require. Enclosed I send you a copy of a communication which I made to Mr. Upshur Secretary of State upon the subject. So soon as an answer shall be received I will immediately transmit the same to your Department.

The letter of the War Department to Col Warfield, was duly mailed to him at St Louis, with a request that should Col Warfield not be in the city, to forward the same to such point as he would most probably receive it. It is impossible to know here, where Col Warfield is at this time, but I supposed the letter most likely to reach him at the point alluded to.

^a August 4, 1843. See Van Zandt to Jones, August 10, 1843.

^b August 8, 1843. See Van Zandt to Jones, August 10, 1843.

^c L. S.

^d Erroneously indorsed "No. 103." See Van Zandt to Jones, June 5, 1843, note.

^e This dispatch has not been found.

Enclosed is a copy of my letter to Mr. Upshur of the 4th. inst in relation to the movements of Col. Warfield upon the border.

In your dispatch of the 15th. of June last, I am instructed to defer for the present communicating to the Government of the United States the "declaration" contained in your prior dispatch of the 10th. of the same month, but you suggest that I may suffer the Secretary of State to peruse the whole of this last mentioned dispatch, as it indicates the course, which the Government may yet have to pursue. Believing the suggestion a good one, I have done so, and am gratified to find that the views of the Secretary coincide so well with my own, that in the event the present proposed negotiation for peace should fail, it will be the only proper course left for Texas to pursue.

I feel the highest satisfaction at the course adopted by the President, in agreeing with the armistice with Mexico as proposed by Santa Anna, not that I entertain any very sanguine hope that it will end in a lasting and permanent peace (for I fear, that Mexico is not at present disposed to acknowledge the independence of Texas, or if so at all, that the proposition will be coupled with other terms made as *sine qua non* conditions, which I am satisfied will not be acceded to by the President, and people of Texas,) but the measure will be productive of other salutary effects. While the armistice lasts it will remove every shadow of excuse, which may have been urged in justification of those evil disposed persons, who have constantly sought to agitate the people thereby creating confusion, and insubordination at home, and disgracing us as a nation abroad. It will afford a test of the efficacy of mediation by powers mutually friendly, and determine the point whether negotiation can or arms must decide the contest, in short, the result of the negotiations will settle for Texas the question of peace and of war.

Since my return to the seat of Government, I have had several lengthy interviews with Mr. Upshur, the present Secretary of State, all of which have been of the most satisfactory character. In these interviews the present policy of the Administration, here, in relation to Texas has been fully indicated.

Knowing the very great interest, which Mr. Upshur has always manifested in behalf of Texas, and believing the present a most auspicious moment for the United States, to again press their friendly offices of mediation and interposition, for the settlement of our difficulties, with Mexico, I deemed it proper to bring this subject again before the Secretary of State, urging the propriety of renewed and prompt action, upon the part of this Government. I have now the honor to be able to communicate to you the result of this application, which I hope will prove highly satisfactory to yourself as well as to His Excellency, the President.

Mr. Thompson the United States Minister in Mexico has been instructed, in the name of his Government to protest, and remonstrate, in the most solemn manner, against the late order of Santa Anna, which directed all foreigners taken in arms to be immediately put to death. Mr. Thompson is directed to say to the Mexican Government that the United States view the said order as inhuman, and barbarous, and in violation of the rules of civilized warfare; and that it is impossible that they can look upon its execution with indifference. A retrospective view is taken of the war with Texas, and the manner in which the same has been waged for the last seven years; and Mr. Thompson is directed to say, that the United States have viewed with pain the predatory incursions which have been carried on, and that the contest, having lost the high character of war, as waged by civilized nations, deserves to be classed as a war of plunder, of pillage and robbery, and further that the United States deprecate a contest of such a character, and particularly the sanguinary and inhuman treatment, which has been extended to prisoners of war. The United States acknowledge the right of Mexico to resubjugate Texas if she have the ability, but they question her right, longer to keep the subject open, and they express the decided opinion that the war ought to be at once brought to a termination, either by negotiation or by arms, and that Mexico should either show herself a great nation, by her ability to resubjugate Texas, or a magnanimous one, by acknowledging her inability to do it—that by keeping the question undecided she not only evinces her inability to resubjugate Texas, but a want of magnanimity by refusing to acknowledge her independence. It is also urged, that there is a public opinion among nations as well as individuals, and that no nation has the right to set herself above that opinion, nor can she do so without forfeiting the confidence, and incurring the censure of other nations. This is the general tone of the instructions, and Mr. Thompson is directed to urge these considerations in the strongest manner possible, consistent with the relations of the two countries. A general view is also given of the situation, which Texas occupies towards the United States, and of the interest which the United States have in the success, and prosperity of Texas, and the maintenance of her institutions.

These instructions I think evince the determination of the administration to use every means in their power to terminate the contest between Texas and Mexico; the right to employ force, or in other words to declare war belongs alone to Congress. Had this decided tone been all along used by the United States, the effect would have been a good one. Coming as it now does while negotiations are pending, I trust should Santa Anna be halting between two opinions it may incline him to peace.

Yours of the 6th. ultimo in relation to the subject of annexation has been received, but I have not thought it proper to mention to the Secretary of State, at the present, that my instructions, in relation to that subject, had been suspended. I thought it possible, that it might interfere with my efforts in pressing the subject of interposition. I shall however in a few days make known to him verbally the fact according to your instructions.

* * * * *

I shall send to Mr. Cooper, gun maker New York, your answer relative to his claim against Genl. Hunt.

Nothing has been received by this Government from Genl. Thompson upon the subject of the armistice proposed by Santa Anna.

Since the foregoing part of this dispatch was written I have read the National Intelligencer of today, which contains some particulars in relation to the disarming of Col. Snively, and his command upon the borders of Texas and the United States, by a force under Captain Cook, an officer of the United States army. As the official report of Col. Snively will likely require some action of your Department in relation to this matter, I herewith send you a slip from the paper alluded to, which will furnish all the information I have yet obtained upon the subject.^b The subject has doubtless been communicated to the War Department of the United States, but as both the President and Secretary of War are now absent, I am unable to obtain any information from that Department concerning the same.

I deem it unnecessary to offer any comment upon this outrageous proceeding, as I have no doubt our Government will have had the same under consideration before this reaches your Department. I have the honor to be Very Respectly,

Yr. Obt Servt

ISAAC VAN ZANDT

P S. I shall send you a private communication by to nights mail.
Yours etc.

VAN ZANDT

[Next follow copies of Van Zandt to Upshur, August 4, 1843; Van Zandt to Upshur, August 8, 1843.^c]

UPSHUR TO VAN ZANDT.^d

VAN ZANDT TO JONES.^e

^a A paragraph relating to Van Zandt's salary omitted.

^b The clipping is not now with the letter.

^c For both and for the inclosure in the first, Hockley to Warfield, August 16, 1842, see Calendar of Correspondence with the United States, in Part I.

^d August 10, 1843. See Van Zandt to Jones, August 15, 1843.

^e August 12, 1843. See Calendar of Correspondence with the United States in Part I.

VAN ZANDT TO JONES.^a

LEGATION OF TEXAS

Washington [City], August 15th. 1843

HON ANSON JONES

Secretary of State

SIR

I have the honor herewith to transmit to you a copy of a letter, and of the documents which accompanied it, just received by me from the Hon A. P. Upshur, Secretary of State of the United States, in reply to my communication to him of the 8th. instant, upon the subject of the outrage lately committed upon Col Bourland, the Collector of Red River, by certain citizens of the United States. Mr. Upshur informed me today in a personal interview, that he was using every exertion to obtain full information in regard to the case, and said he hoped soon to be able to communicate to me further in relation to it.

In a personal interview to day with Mr. Porter Secretary of War, that gentleman did me the kindness to suffer me to peruse the principal portion of the report, of the RENOWNED Capt. Cook, who lately *captured* one hundred of our citizens under Colonel Snively. I entertain but little doubt that this affair occurred within the limits of Texas, and cannot be considered in any other light, than as an enormous outrage. I deem it unnecessary to send you a synopsis of Capt. Cook's report, which fills several sheets of fools cap, and is evidently designed to be magnificently eloquent, and a full commentary upon international law, and the right of War. The affair having already terminated, I think it unnecessary to take any steps in relation to it here, until I receive the instructions of your Department.

Gov Butler, late, United States Commissioner to Texas is here, and from him I have learned some facts relative to the contemplated Indian Council, which I deem of importance, and accordingly submit them for your information. He says, "In a communication received by me from three Delaware Chiefs, Captains "Roasting Ear," "St Louis" and "Red Tail" dated about the first of July they say in substance, that they are just from the Commanche towns, where a Council was had on the subject of a treaty with Texas, which it would appear they had been invited to attend at some point on the Trinity River. They decline meeting there but express a willingness and desire to meet on the waters of Red River on the south side, and invite the countenance and cooperation of their Great Father, the President of the United States, some time in the early part of next winter, further that they had been advised by

^a[Despatch No. 105.]

their *Chickasaw, and Cherokee* brothers not to make a treaty with Texas without they said so"^a

If this information be correct, which I do not doubt, then there is no probability that the Comanches will come in at the contemplated period. Gov Butler says, further, that he is satisfied they will not come to Birds Fort, until they are first met higher up. Under these circumstances I fear some difficulty may arise, unless we can at once secure the full cooperation of the United States, and agree upon a concerted action. I think it also important as their influence is paramount with the Indians, that the United States should take the lead if possible in inviting them to the meeting.

I have had a long conversation with Mr. Porter, the Secretary of War upon this subject, and have urged upon him the propriety of extending the instructions of the United States Commissioner, so as to make his Government a full party to the contemplated treaty, or that perhaps it might be better, as Gov Butler had the confidence of the Department, to revoke the former instructions and make the whole discretionary with him. The Secretary of War I think, will agree to the proposition; if he does, the question then arises, as to the place, the time etc. On this point I am not instructed. Gov Butler being here and on his way to South Carolina to remain for some time, would it not be better to arrange the whole now and let the necessary order issue? I think so, and entertaining this view I shall assume the responsibility, so far as the agreement of time, and place are concerned, satisfied that it will not interfere with any previous arrangement of the Presidents, can be productive of no harm, and may result with great advantage to Texas. Every treaty made with the Indians is so much gained, but my own opinion is, that a treaty made with the Comanches, in which the United States becomes the guarantee, is worth a hundred treaties without it. I shall address a formal communication to the Secretary of State upon this subject on tomorrow, a copy of which, with his reply thereto I shall transmit to you as early as practicable.

If I can obtain the sanction of this Government to send out some persons to invite the Indians in, it will likely be more effectual, and save us at the same time much expence. This I will endeavour to effect.

I have the honor to be, Very Respct. Yr Obt. Servt.

ISAAC VAN ZANDT.

[Here follows a copy of Upshur to Van Zandt, August 10, 1843.^b]

^a For the beginning of this quotation, see "In a communication", etc., above.

^b See Calendar of Correspondence with the United States in Part I, under date of August 11, which is that of the letter as printed.

(Secretary of War to Secretary of State.)

[Washington City, May 11, 1843. a]

SIR: I respectfully transmit herewith copies of two letters just received from the Acting Superintendent of Indian Affairs on the southwestern frontier, which induce a belief that there has been an interference of citizens of Texas with the private property and rights of citizens of the United States.

The matter seems to have been referred to the Representative of this Government in Texas, and may become a subject of correspondence with the Department of State.

Very Respectfully

Your Most Obedient Servt

(signed)

J. M. PORTER

Hon H. S. LEGARE

Secty of State

(Mr. Armstrong to Mr. Crawford.)

CHOCTAW AGENCY *April 10th. 1843.*

SIR

I have just been informed that the Steam Boat, Fort Towson loaded with goods for the different Merchants at Doakeville in the Choctaw nation, three of whom Col David Folsom Joel H Nail and Robert M Jones are Choctaws, have had their goods seized. The circumstances as I am informed are these. The Boat was unable to get up for want of water, and stored the goods on the Texas side, and returned to the raft. The goods were seized, and now are awaiting a trial. I understand that the case has been represented to our Chargé d'Affaires in Texas, and also that a memorial has gone to the President of the United States. This will produce excitement. It is a well known fact that no fraud was intended or that the owners of the goods had any control over them. It has been customary for boats to store their goods in this way. There are one or two boats above the raft employed as packets in carrying freight. I thought it my duty to communicate this affair to you and will give such further information as may be received.

Very respectfully etc. (signed)

WM. ARMSTRONG

*Actg Supt. Ind.*T. H. CRAWFORD *Esq**Commissr. Ind Affr. Washington.*

(Same to Same. b)

SIR: I learn that the Crews of the Steam Boats Fort Towson and South Western, met at Bryarly's landing, Red River, Texas the point

a As to this date, see Upshur to Van Zandt, August 10, 1843.

b Date not copied.

at which goods for different individuals in the Choctaw Nation were stored, and tied the Collector and guard, and put the goods on board. There was also a considerable lot of Government freight stored which was also released. The Boat lies on the side of the Red River, unable to get up for want of water. The Commanding officer at Towson has sent a guard as I learn to protect the public property. The citizens of Texas I understand favored the party who retook the goods. I Give you the news as I hear it, which will doubtless be a complaint to the Government.

Very Respectfully &c

(signed)

WM ARMSTRONG
Actg Supt. W. T.

T. H. CRAWFORD *Esg*
Commissr. of Ind Affs
Washington

VAN ZANDT TO UPSHUR.^a

DERRICK TO VAN ZANDT.^b

COMMISSIONER OF INDIAN AFFAIRS [CRAWFORD] TO SECRETARY OF WAR [PORTER].^c

JONES TO VAN ZANDT.^d

[Transmits correspondence with the British Chargé at Washington, Texas, concerning the armistice "recently established" between Texas and Mexico;^e acknowledges receipt of Van Zandt's communication of June 29.]

RAYMOND TO JONES.^f

LEGATION OF TEXAS
Washington City Augst. 20th. 1843

HON ANSON JONES
Secty of State

SIR

Mr. Abell bearer of dispatches from the United States has had the kindness to take under his charge the blank forms etc of the

^a August 16, 1843. See Van Zandt to Jones, August 31, 1843.

^b August 18, 1843. See Calendar of Correspondence with the United States in Part I.

^c August 18, 1843. See Van Zandt to Jones, September 18, 1843 (Dispatch 108).

^d August 20, 1843. See Records of Department of State (Texas), Book 44, p. 168.

^e See note [b, p. 611, Brit. Cor.].

^f A. L. S.

Genl. Post Office Department, and has promised to deliver the same into your hands upon his arrival in Texas. Mr. Ellsworth of the Patent Office has kindly proffered his *frank*, and I will send the blank forms of that office and the laws on the subject of patents by mail to you. Mr. Van Zandt is at Alexandria to day and will not see Mr. Abell.

Gov Butler and General Armstrong are in the City and took dinner yesterday with Mr. Van Zandt, so did Mr. Crawford Comr. of Indian Affairs. Gov B seems heartily desirous of aiding all in his power to bring about a peace between Texas and *all* the Indian tribes, and I think he will be fully empowered to make the U. S a party to a treaty and a guarantor for the faithful performance of its stipulations etc.

Mr. Upshur is a staunch and ardent friend of Texas. I have learned from good authority that Mr. Henshaw is in favour of annexation.

Mr. Van Zandt has made three communications to your department the present month. The mail from Galveston arrived last evening and brought nothing for us but newspapers.

Will you please present my kindest regards to the President and his lady and accept for yourself the great respect and esteem of

Your Obt. Servt

CHAS. H. RAYMOND

(In haste)

PARKER TO UPSHUR.^a

VAN ZANDT TO JONES.^b

Dispatch 106

LEGATION OF TEXIAN
Washington City August 31st. 1843

HON ANSON JONES

Secretary of State

SIR

Mr. Barnard has just arrived here, and will leave immediately for Texas. Through his kindness I am enabled to transmit to you the census documents alluded to in a former dispatch. They contain much valuable statistical information upon the subject of the commerce of this country, and will be of much service as a work of reference for your Department upon that subject. Mr. Raymond sent you the Post Office forms and blanks by Mr. Abell, bearer of

^a August 22, 1843. See Van Zandt to Jones, September 18, 1843 (Despatch 108).

^b L. S.

dispatches from this Government. Mr. Ellsworth of the Patent Office has enclosed you by mail all the papers in relation to patents—all of which I hope in due time will arrive safe.

I received a few days ago a letter from Dr. Smith, dated at Paris on the 1st. Inst. He enclosed me a copy of a dispatch which he had sent to your Department. As the facts mentioned are of importance and fearing some delay may have attended it, I have sent you a copy, so that if the original letter has not reached you, you may have the information which it contains.^a

The President, and all the Cabinet except Mr. Henshaw, are now absent and will not return for two or three weeks. Previous to the departure of the Secretary of War, I agreed with him in regard to the preliminaries of an Indian Council. I send you a copy of my letter to the Secretary of State upon this subject, a formal answer to which has not been received, and perhaps may not be until the Secretary returns. I have however the honor to inform you, that the necessary orders have issued from the War Department to Gov Butler, who has appointed the Commissioners, and directed them to start forthwith to invite the Indians in. A deputation of three persons is to go and they are to carry with them tobacco, and other presents to induce them to come in—they are to meet on the Texas side of Red River, and in the neighborhood of the mouth of Cache Creek,^b which is a short distance above Coffee's station. The full moon in November is the time agreed upon. I would have preferred it earlier, but Gov Butler was of opinion that it was best to give full time, so as to prevent all difficulties. I hope the steps which I have thus taken may meet your approbation, and that in due time His Excellency the President will send Commissioners to attend the Council. It will be necessary to have a little beef and perhaps a few bushels of corn for the Indians. The United States will also send in some provisions, and presents to be given them at the Council.

The final instructions which are to govern the Commissioners of the United States have not been given. I do not know to what extent they may go. I should have no difficulty if it were not for the cold notions of Mr. Crawford the Head of the Indian Bureau. I will do the best I can, satisfied that even a full, and friendly joint talk will be of much service.

Since my dispatch of June, last, was written I have been enabled to obtain some important evidence in relation to the negroes of Dr Robinson,^c and I am now satisfied that I shall obtain an order for

^a The letter of Smith to Jones copied is of date July 31, 1843, and it refers to the work in London of the Abolitionist S. P. Andrews. See Correspondence with Great Britain.

^b See Gregg, *Commerce of the Prairies*, Vol. I, map.

^c Robertson.

them, so soon as the Secretary of State returns to his post. I think therefore that you would do well to inform Dr Robinson, that it will not likely be necessary for him to take any further steps in relation to procuring testimony, until I ascertain what further can be done here.

I have the honor to be with great
respect—Your friend and Obdt. Servt

ISAAC VAN ZANDT

[Next comes a copy of Van Zandt to Upshur, August 16, 1843.]^a

PROCLAMATION OF HOUSTON ORDERING RELEASE OF MEXICANS.^b

JONES TO ELLIOT.^b

UPSHUR TO VAN ZANDT.^c

VAN ZANDT TO UPSHUR.^d

VAN ZANDT TO UPSHUR.^e

ELLIOT TO JONES.^f

VAN ZANDT TO JONES.^g

Dispatch No. 107

LEGATION OF TEXAS

Washington D. C. Sept 18th. 1843

HON ANSON JONES

Secretary of State

SIR

It has been made known to your Department, in a former dispatch, that in compliance with your instructions of the 6th. of July last, I had communicated, verbally, to the President, and Secretary of State

^a See Calendar of Correspondence with the United States in Part I.

^b September 4, 1843. See Jones to Van Zandt, September 29, 1843.

^c September 7, 1843. See Van Zandt to Jones, September 18, 1843 (Despatch 108).

^d September 14, 1843 (acknowledging receipt of Upshur's note of September 7). See Van Zandt to Jones, September 18, 1843 (Despatch 108).

^e September 14, 1843 (concerning Dr. Robertson's negroes.) See Van Zandt to Jones, September 18, 1843 (Despatch 108).

^f September 15, 1843. See Jones to Van Zandt, September 29, 1843.

^g L. S.

of the United States, the fact, that my former instructions upon the subject of annexation, had been suspended, and that the Government of Texas reserved the question for future consideration. Since I did this, I have not thought it proper for me to urge it again upon this Government. Nevertheless, in every interview, which I have had with the Secretary of State, Mr. Upshur, he has invariably mentioned the question, and dwelt upon its merits at some length; in fact, the announcement to him, that my instructions were suspended, seems to have fired him anew in regard to it. He has frequently inquired whether there had been a change in the views of the Texian Administration upon this subject; to this, I have always replied, in substance, that since my instructions were suspended, I had not been advised of the views of our Government, and could only give him my unauthorized opinion as an individual, which was this, that if the proposition was made to Texas, and with a strong probability the measure would succeed before the Senate of the United States, I thought it would be acceded to, but could not speak with certainty or authority. I further said to him, I did not deem it improper for me to communicate to him, (as he had interrogated me on the point) that portion of your dispatch of the 6th. July last in which you say "It is believed that the settlement of our difficulties with Mexico and the acknowledgment of our independence by that power will very much simplify the question of the annexation of Texas to the United States, and if, after this event, Texas should continue to desire this annexation, a treaty for the purpose would be more likely to succeed, and to meet with favour from the people of the United States, than if, as now that question were embarrassed with a question, and involved the contingency of a war between that Government and Mexico." In our several conversations alluded to, Mr. Upshur frequently remarked with much earnestness of manner, that he hoped Texas would not change her former policy on this subject; that it was the great measure of the administration here, and that he was actively engaged under the instructions of the President, in preparing the minds of the people for it, and in learning the views of Senators on the subject; and so soon as they conceived it safe, they would renew the proposition on their part.

I now proceed to submit for your information and consideration, the substance of a conversation had with the Secretary of State, to day, in relation to this matter. I called at the State Department this morning about the two negroes taken by the Indians from Dr. Joseph W. Robertson, of which you are further informed in another dispatch that accompanies this of the same date. On meeting Mr. Upshur he remarked, he was exceedingly glad I had called on him, that he was just in the act of addressing me a note requesting an interview. Without waiting to be informed of the object of my

visit, he proceeded in substance to say, that his object in wishing to see me, was to make known further his views, and the wishes of the Executive on the subject of the annexation of Texas to the United States, that they now contemplated an early action thereon and that he was desirous I should immediately communicate this fact to your Department, in order that should the President of Texas still desire to conclude such a treaty, the Representative of Texas here, might be immediately clothed with the necessary powers to act upon the proposition, should it be submitted by the President of the United States, which proposition he now confidently believed would be made before the meeting of the next Congress—that from all the facts now before him he believed such a treaty might be safely submitted to the next Senate, and entertaining this opinion he was desirous to act on it as early as practicable. He then stated at some length the grounds of his belief of a favorable action by the Senate of the United States, which were drawn from the views of various correspondents, and the manifestations of public sentiment, in different quarters of the country. I asked Mr. Upshur if some of Mr. Tyler's cabinet were not still opposed to the measure, he replied, that one or two of the gentlemen perhaps might be, but the controlling influence was now decidedly in favour of action upon it. I then remarked to him, that though it might be possible our Government might still desire to make the treaty, yet, I doubted under all the circumstances whether the necessary powers would be given, unless the proposition was positively made, he replied that he could not make it at this time nor would he likely be able to do so in time for me to communicate the fact to your department and obtain an answer before the meeting of Congress, but that he would repeat again what he had said before, that "he confidently believed he would be able to make the proposition before the meeting of Congress, and he hoped, if he did so, that the Representative of Texas here would be sufficiently authorized to act at once." I then told him I would immediately communicate to my Government what he had said to me about the matter, and his wishes in relation to the same; and so soon as an answer was received I would inform him of it. He asked what would be the probable length of time before an answer could be had. I replied, I thought between 30 and 40 days, if not longer, he then asked me if I did not deem the communication of sufficient importance to dispatch a special messenger with it, I replied, that I should not think it necessary unless the proposition was actually made. This he said he could not make, nor did he think it would be proper to do so, unless I had the necessary powers to negotiate; that if the Texian Government was yet in favour of the measure, no harm he thought could result from the conferring of provisional powers, to act in case the negotiation was proposed on their part.

I have thus given you the substance of our very lengthy conversation, in order that you may act upon it as advisedly as possible. It will need but few comments, as it explains itself fully. That the Secretary is serious in what he says, I have not a doubt, but whether he will carry out the measures indicated or not, is impossible to tell. My own opinion is that from the situation of political affairs here, it is hard to know what, or whether any move will be made on any particular question, until you have seen the step taken. That the Administration contemplate making the proposal of annexation I believe true. That they will do it is at best uncertain. If the treaty were concluded, and submitted to the Senate, no doubt the debate would be fierce and exciting, but I think it would be advantageous to the treaty, and in the end secure its adoption.

For the great welfare, and prosperity of Texas, I believe nothing could contribute so much as her annexation to the United States, and, believing like views were entertained by our Government and people, up to the time of the receipt of your letter suspending my former instructions, I left untried no means, which I thought calculated to advance or promote this object.

Whether such be the views of the Executive at this time I am of course unadvised; facts and circumstances, known to him, may have changed his former opinions, and altered his policy in relation to this question. I have however given the facts as I understand them—it is not for me to determine what course should be taken by the Government. Whether the provisional powers shall be conferred or not, is a matter which can alone be decided correctly, by the Executive with the aid of his advisers at home, who are presumed to know the whole situation of the country, its wishes and policy. Be the determination what it may, I hope no time will be lost in making the same known to me. And here suffer me to remark before closing this communication, that should the two Governments determine to attempt the proposed measure, I am sensible the responsibility of the Agent of Texas must necessarily be great, and his actions require much judgment and deliberation. Should it therefore be the wish of the Executive to confer those powers upon any individual, other than myself, or upon any one in connexion with myself, I will cheerfully acquiesce; if conferred upon me alone, conscious of their high importance I shall endeavour (if an action be had at all) to discharge the duty in strict compliance with the instructions which may be given by your department.

With the highest sentiments

of regard I have the honor to be

Your most Obedt Servt

ISAAC VAN ZANDT

VAN ZANDT TO JONES.^a

[Dispatch No. 103.]

LEGATION OF TEXAS

Washington D. C. Sept. 18th. 1843

Hon ANSON JONES

Secretary of State

SIR

I have the honor, herewith, to enclose you a copy of a letter, received from the Secretary of State of the United States, dated the 7th. Inst, together with a copy of a letter from the Chief Clerk of the War Department, and an extract of a communication from the Commissioner of Indian Affairs, which accompanied the letter of the Secretary of State; and also a copy of my letter, of the 14th. Inst, acknowledging the receipt of the communication above referred to. These several communications, with the facts already in your possession, will give you information of all the proceedings which have been had here in relation to the contemplated Indian Council. All of which I hope will meet the concurrence of your Department, and that the necessary steps will be taken to secure a corresponding action on the part of our Government.

I send you also a copy of my letter, to the Secretary of State, of the United States, of the 14th. Inst, calling his attention to the subject of the capture of the two negroes of Dr. Robertson, which had heretofore been a matter of correspondence between the two Governments. After my letter was written, and before it had been sent, I received a communication from Mr. Upshur of the same date, upon the same subject, which assumed entire different, and adverse grounds to those assumed by me. Believing the letter must have been written without reflection, I determined to send mine, and pay no attention to that of the Secretary, until I could see him personally, which I did on today. After adverting to the case, and discussing it, Mr. Upshur requested me to return his letter, in order that he might reconsider the matter, promising me at the same time an early answer. I cannot believe, but that the negroes will be surrendered. With the testimony which I have produced to the Department, I do not know how they can avoid it. I shall give the subject every attention and advise you as early as possible of the result. In investigating this matter, I have discovered important information in regard to an illicit trade carried on with the wild Indians of Texas, by traders from the United States, of which I made complaint, under your instructions last winter, and which was denied by Mr. Spencer the then Secretary of War. So soon as I can embody all the facts I

shall lay the same before this Government, and request an action thereon.

I have received nothing from your department for more than two months past.

With great regard

Your friend and Obdt. Servt

ISAAC VAN ZANDT

[Inclosed are the following:^a Upshur to Van Zandt, September 7, 1843; Parker to Upshur, August 22, 1843; Crawford to Porter, August 18, 1843; Van Zandt to Upshur, September 14, 1843 (acknowledging receipt of Upshur's note of September 7); Van Zandt to Upshur, September 14, 1843 (concerning Dr. Robertson's negroes).]

UPSHUR TO MURPHY.^b

UPSHUR TO MURPHY.^b

MURPHY TO UPSHUR.^c

MURPHY TO UPSHUR.^d

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Washington [Texas] *Sept. 29th 1843*

To the Hon.

ISAAC VAN ZANDT

Chargé d'Affaires of the Republic of Texas etc etc.

SIR,

I have the honor to acknowledge the receipt of your two despatches under date of the 10th and 15th Ulto. and of your private letter of the 12th. and Mr. Raymond's of the 20th of the same month—all of which are satisfactory to the Department.

My last communication to you was of the 20th. of Augt. and was necessarily very brief on account of the severe illness of myself and the clerks in the office.

^a See Calendar of Correspondence with the United States in Part I.

^b September 22, 1843. See Calendar of Correspondence with the United States in Part I.

^c September 23, 1843. See Calendar of Correspondence with the United States in Part I.

^d September 24, 1843. See Calendar of Correspondence with the United States in Part I.

The Post Office Blanks were duly received by the hands of Mr. Abell, bearer of despatches to Gen Murphy. You will please return the acknowledgment of my thanks to the Post Master Gen. of the U. S. Mr. Wickliffe and, also to the Commissioner of the Patent Office Mr. Ellsworth for their kindness in furnishing this Department with the Blank forms of their respective offices.

* * * * *

Cols. Sam W. Williams and Geo. W. Hockley have been appointed, Commissioners on the part of this Govt. to arrange the terms of the Armistice between Texas and Mexico, with Commissioners to be named by Gen. Adrian Woll, Commander in Chief of the Army of the North, and left this on the 26th Inst. for Matamoros. As you will see by the enclosed Proclamation of the President the Mier and other prisoners are to be at once released by Gen. Santa Anna. Enclosed herewith I have the honor to transmit you copies of some recent correspondence with Capt. Elliot on this subject for your information.

You will embrace an early opportunity and respectfully but urgently press upon the government of the United States a prompt reparation for the outrage committed upon Mr. James Bourland Collector of the District of Red River and the public revenue as communicated to you in a former despatch. The disposition which has recently been evinced by officers of that Government in command on the frontier adjoining ours must be very promptly checked, or it will inevitably lead to a breach of the good understanding now existing, between the two countries and which it has ever been the earnest desire and effort of this government to maintain and perpetuate. The amount of property illegally taken from the collector in the instance complained of was as is supposed about Seventy thousand dollars, for which sum you will make a formal reclamation on the Govt of the U. S. as well as for proper satisfaction for the insult given to this Government in the person of its officer, and for the grievous personal injury sustained by him, from the armed force, which under the countenance and protection of the commander of Fort Towson so recklessly invaded our territory. The principles of international law which govern this case are so plain in their character that it makes it quite unnecessary I should specify the arguments which it will be proper for you to use in support of this just demand. The collector, siezed the property in conformity with our laws, and the owners by resorting to force, without waiting for the clemency of the government to interpose in their behalf, forfeited all claim upon that clemency.

The course adopted by the United States in interposing her good offices to effect a termination of the war between this country and

^a The omission here indicated is of a paragraph relating to Van Zandt's salary.

Mexico as indicated in your despatch of the 10th Ult^o. is highly satisfactory to the President. Coming as it does at the moment when the two countries are about to commence friendly negotiations, it will doubtless have a very favorable influence upon the councils of Mexico.

Commissioners are now at Birds Fort,^a in council with the various smaller tribes of hostile Indians and it is very probable a treaty of peace will be effective with them. As you anticipate, the Comanches declined attending at that place. Col. J. C. Eldridge, who with Messrs Torrey and Bee, and the three Delaware Indians, Secondi, John Connor and Jim Shaw was sent to these Indians by the President, fell in with them high upon the Canadian River. *Pa-ha-yu-co* the principal Chief and many others expressed themselves favorably to peace, and agreed to come to the Comanche Peak on the Brazos at the time of the full moon in December to hold a council for that purpose. In the mean time they promised to send out runners to notify the scattered bands of this arrangement and to summon them to attend at that time and place. They also promised to cease hostilities, on their own part against Texas and to restrain the others from committing any as far as in their power to do. Should the United States agree to the proposal you may have made, it will probably be well to despatch runners immediately to notify the Indians of the fact. In order however to give full time for the reciprocal action of the two government as well as to consult all the various Indian tribes the President thinks the full moon in May next, will be early enough for the council. As it regards the place, he wishes some point on the Brazos fixed on if possible—if not, he will consent to the Red River as the point of meeting. There will not, it is presumed, be time for the Government of the U. S. to send out and ascertain the views and wishes of the Indians and then to send a Commissioner to the Comanche Peak or Clear Fork of the Brazos by the full moon in December. If so the council to be held there might be made introductory to the one proposed to be held in May—or perhaps might be dispensed with, and made to correspond with the arrangement you may have made with the Government of the United States. It is extremely desirable that the U. States should become a party and a guarantor to a treaty with the hostile Indians within and upon our borders—and if you can effect an arrangement for that purpose you will do so, and report the same as early as practicable. If a Commissioner can attend at the Comanche Peak on the Brazos in December, it may possibly answer every purpose. You will consult on all these points with the Govt. at Washington, and in view of the facts and suggestions now communicated, agree as may be mutually deemed most proper. It will of

^a On the Trinity, about twenty miles westerly from Dallas.

course be always borne in mind that a season of the year should if possible be fixed upon, when there is a plenty of grass, in order that horses etc. may be subsisted, without corn.

The appointment of Governor Butler as Commissioner on the part of the U. States to attend the Indian Council was most acceptable to this Govt. and it is hoped that he may be again named in case, the United States should agree to send one to the Council now proposed. Whoever may be appointed however you will immediately notify this Department of the same, as it may be necessary for this Government to communicate with him directly.

Enclosed herewith I have the honor to transmit you a copy of the Official report to the Department of War and Marine, of Col. Jacob Snively lately in command of an expedition on our northwestern frontier—and also a copy of the instructions under which that officer was acting. By this report you will perceive, that a most extraordinary outrage has been committed, upon this Officer and his Men by Capt. Cooke, an officer of the U. States Army who in contempt of all laws human and divine recklessly invaded our territory, captured the command under Col. Snively disarmed and abused the officers and men, and turned them adrift in a wilderness several hundred miles from any settlement with only five guns to protect them from the hordes of ruthless savages by whom they were surrounded and to procure by hunting the necessary means to save them from starvation and death.

The President therefore directs that you, make a prompt and energetic appeal to the Government of the United States in relation to the conduct of this officer, as well as that of Gen. Gaines by whose authority and under whose sanction as appears from his published letter to Brig. Gen. Taylor^a this most unheard of outrage upon national rights has been committed. You will ask also for the dismissal of these officers, and for ample compensation to the men under command of Col. Snively, for the injuries sustained by them and for the loss of their arms.

The act of Congress of the year 1836^b defined the limits of the Republic of Texas, and according to that act, Santa Fé and all that portion of country lying between the Rio Grande and the Territory of the United States is included within our declared limits. Within these limits Texas has been acknowledged sovereign by the United States Great Britain France and the Netherlands. The right to regulate trade is one of the attributes of sovereignty, and this country properly claims that right. For some time past an illicit and contraband commerce has been carried on through our territory from

^a Dated July 27, 1843. See *St. Louis New Era* for August 4, 1843; *Telegraph and Texas Register* for August 30, 1843.

^b December 19. See Gammel, *Laws of Texas*, I, 1193-1194.

Missouri and Arkansas, with the settlements upon and beyond the Rio Grande. Goods to an immense amount have been introduced, in violation of our revenue laws, both by hostile Mexicans, and by citizens of the United States, a state of things which it has become the duty of this government to interrupt and prevent.

The right claimed by Gen. Gaines in his published letter above referred to, and upon which principle Capt Cooke appears to have acted, in disarming Col Snively, to avail himself of the boundary line between Texas and the United States being unmarked, to occupy all the territory between the latter country and the Rio Grande, would appear to give this government a right upon the same principle to assert a similar claim to the occupancy of all the territory between Texas and the Mississippi river—an absurdity which if attempted to be carried into practical effect would necessarily lead to war at once between the two countries. It is to be hoped that the Government of the United States will promptly disavow the acts of these their officers, and the principles assumed by them—principles which would authorize every species of aggression, upon our national rights, and ultimately lead to an entire subversion of them.

You will therefore lay this whole subject before the government of the United States from whose justice, magnanimity and friendly disposition the President confidently relies for the adoption of a course which will afford proper and speedy satisfaction for the wrongs now complained of. If on the contrary this satisfaction should not be awarded us, no other course will be left the President than to recall you, and to submit the matters in dispute to the umpirage of Great Britain and France. In your official intercourse with the Secretary of State of the U. States, if you find that satisfactory redress is not likely to be awarded us you can *verbally* inform him that this course will have ultimately to be adopted. You will however use every persuasive means to obtain justice from the government of the United States, and I sincerely hope the result may be favorable and that the good understanding heretofore existing between the two countries may remain undisturbed. It is certainly for the best interests of both that such should be the case.

Enclosed herewith I also send a request of his Excellency the President of Texas, on his Excellency the President of the United States, that he will cause to be delivered up one Hiram Kenley a refugee from justice in this country. It will probably be better that you should first make an *informal* application, in order to ascertain whether the President of the United States would accede to such a request, or not. If he should consent to the proposition, you can then make the application in form. Gen. J. Pinckney Henderson and Mr. Bayne will go on to Kentucky in Octr. or Novr. next, and you will please write to Gen. Henderson informing him of the answer

of the President of the United States may make to the request to deliver up Kenley; and transmit to him also any order to that effect which may be granted. He will write you and inform you where to address him in Kentucky. You will also notify this Department of the issue of any application you may make to the Govt. of the U. S. in this matter.

I have the honor to be with the highest respect

Your Ob Svt

Signed ANSON JONES

[The original inclosures, which are not on file with the dispatch, were the proclamation of Houston referred to therein, September 4, 1843;^a Jones to Elliot, September 4, 1843, concerning the Mier prisoners, and the reply, September 15, 1843;^b the instructions to Snively, February 16, 1843, and the report of Snively, July 9, 1843, both of which are given below; Houston to Tyler, requesting the delivery of Hiram Kenley, a fugitive from justice.^c]

(Copy.^d)

DEPARTMENT OF WAR AND MARINE
Washington [Texas] 16th Feby 1843.

To Col. JACOB SNIVELY

SIR,

Your communication of 28th Ult., soliciting permission from the Govt. to organize and fit out an expedition for the purpose of intercepting and capturing the property of Mexican Traders who may pass through the territory of the Republic, to and from Santa Fé etc. has been received, and laid before His Excellency the President, and he, after a careful consideration of the subject, directs that such authority be granted you, upon the terms and conditions therein expressed,—That is to say,

You are therefore, hereby authorized to organize such a force, not exceeding three hundred men, as you may deem necessary to the achievement of the objects proposed.

The expedition will be *strictly partizan*, the Troops composing the corps to mount, equip and provision themselves at their own expense, and one half of all the spoils taken in honorable warfare, to belong to the Republic and the Government to be at no expense whatever on account of the expedition.

The force may operate in any portion of the Territory of the Republic, above the line of settlements and between the Rio del

^a See Calendar of Correspondence with the United States in Part I. A transcript is in the Records of Department of State (Texas) Book 38, p. 78.

^b For both, see Correspondence with Great Britain.

^c This document has not been found.

^d See Army Papers, State Library.

Norte and the boundary line of the United States, but will be careful not to infringe upon the territory of that Govt., as the object of the expedition is to retaliate and make reclamation for injuries sustained by Texan citizens, the merchandise and other property of *all* Mexican citizens will be a lawful prize, and such as may be captured will be brought into Red River, one half of which will be deposited in the Custom House of that District, subject to the orders of the Government, and the other half will belong to the captors to be equally divided between the Officers and men. An agent will be appointed to assist in the division.

The result of the campaign will be reported to the Government upon the disbandment of the force, as also its progress from time to time, if practicable.

By order of the President

(Signed)

M. C. HAMILTON
Act. Sec. War and Marine

(Copy.^a)

CAMP ON ELMN CREEK, *July 9th 1843.*

To Hon. GEO. W. HILL

Sec'y of War and Marine,

SIR,

In my report of 29th June,^b I omitted to give you a statement of the course and distance I marched from Georgetown, near Coffee's Station, to the Arkansas River. When I took up the line of march on the 25th April last, my course was nearly due West, which course I continued 150 miles, and which carried me at least 50 miles west of 100°, West Longitude. Then I crossed the River and marched from that point N. 20°, W. (by the Compass) till I fell on the Arkansas, marching 275 miles, which brought me 60 miles East of the crossing of the Santa Fé road, and at least 57, west of the point where the line between the two Governments would intersect the River. Being satisfied that I was correct in my calculations, I felt no hesitation in ordering the Battallion to march to the River, on the 29th June for the purpose of procuring supplies of Buffaloe meat, there being none on Crooked Creek where I was then encamped. The same evening we reached the River 45 miles East of the crossing. The next morning June 30th, a party of men were dispatched to kill Buffalo. After having been unsuccessful on the Texas side, they crossed the River, seeing numerous herds on that side, and while in pursuit of them they discovered them to be S Dragoons, approaching, and having

^a See Army Papers, State Library.

^b This earlier report, which is filed with the Army Papers in the State Library, was addressed to M. C. Hamilton, who shortly before had been secretary of war and marine, but who had now been succeeded by George W. Hill. The date was in fact June 28.

been discovered at the same time.^a The party immediately returned to the encampment, pursued to the River's brink. In a very short time the whole command under Capt Cooke appeared in sight. He then dispatched L't. Lovell to my encampment, for the purpose of ascertaining who we were, and who was the Commanding Officer, his questions being answered. He then informed me that the Com'dg Officer, Capt Cooke, desired him to say, that if I would visit him on the opposite side, I should have a free passport. I accompanied L't. L. When I arrived Capt C. requested to see my orders. After having perused them, he observed "that it was his opinion, that I was encamped on the Territory of the U. States. He then retired with his Officers, held a short consultation, returned and stated that his Officers were of the same opinion, and that he had come to the conclusion to disarm me. To this I protested, giving him an outline of the course which we marched, and also that the line was not defined, and that he could not point it out. But nothing I could say or do had any effect. "He had made his terms, and to them I must submit." He threatened me with his Artillery and Dragoons, and that if one of my men attempted to escape, he would throw his shells into the encampment, and send his Dragoons across the River to cut the command to pieces. He had under his Command 196 men, and the advantage of two field pieces, and in fact his superiority of discipline, Horses and Arms, gave him a decided advantage. At length he gave me permission to leave with orders to recross the River, allowing me one hour to bring over the Batn., and lay down our Arms. I left him for the purpose of submitting the terms to the men. I had proceeded but a short distance, when I was recalled and informed that Capt C. would accompany me. I was under the impression that he alone would cross with me. What was my astonishment, when the Bugle sounded the advance! On came the Cavalry and Artillery, crossed over, formed line of battle in my rear, with columns on each flank, the Artillery in the centre, two hundred yards distant, with port fires lit. When he observed "the time was growing short, and that I must march out the men, and order them to stack their Arms." This was done, when the men clamoured to be received as prisoners of War. I requested Capt Cooke to receive them as such. He said that "he had made his terms, and if they were not satisfied, they should receive worse," intimating, that if they were not satisfied, he would fall on them and put them to death, unarmed as they were. He then recrossed the River leaving ten rifles to 107 men. The next morning, July, the 1st, Capt. C. sent over a Detachment, commanded by Capt Moore requesting me to bring over the men, in order that he might protect them

^a The errors in this sentence are probably due to mistakes of the copyist, but the proper corrections are uncertain.

against the hostile Indians and Mexicans, who were supposed to be in the neighbourhood. I done so, and when I halted, He addressed the men, and offered an Escort to all who wished to go to Independence M'o. About 50 men took that rout, to whom he gave 3 of the 10 Guns he left in our hands. The balance would not accept an escort, unless, guarded to Texas. With this request he said he could not comply. To this party he allowed five guns, to make their way through the hostile bands of Indians. He ordered me at the same time to leave the Territory of the U. States as quick as possible.

The same evening after having surrendered our Arms I sent an express to Capt Chandler, who with his company of 74 men were found on Elmn Creek, about eight miles distant, and who had a few days previous been ordered home. The next morning, July 1st, I marched to Elmn Creek and encamped. On the 2nd. I dispatched Elish. C. Simmons and Francis Sharp to spy out the Caravan. They never returned. I presume they were killed by a party of Comanches with whom we had a skirmish on the 3d. This day I again sent out two men to spy out the Caravan, and was joined by Chandler. On the 4th. the Indians again attempted to stampead. They succeeded in driving off 60 or 70 horses, and killed Caldwell on Piquet, and lanced a man by the name of Duncan. They were hotly pursued by about thirty men, only eleven succeeded in overtaking them, who engaged sixty Indians and killed from 8 to 15 of them. The Horses, however, were not recovered.

On the 8th. the Spies returned, and reported that the Caravan had crossed the Arkansas at the usual crossing, and that it was on the road towards Santa Fé, about 30 or 40 miles from where we were then encamped. On the 9th. finding nearly all Capt. Chandler's men unwilling to pursue the Caravan I resigned the Command.

I have the honor to be, Very respectfully,

Your Ob't Servant

J SNIVELY, *Majr Com'dg Bat'.*

I certify the foregoing to be a correct copy of the original on the files of the Dept.^a

M. C. HAMILTON

C. C. Dept. War.

WASHINGTON,

30th Decr. 1843.

WOOD TO VAN ZANDT.^b

^a As comparison of dates will show, this copy was made later than that originally inclosed in the despatch of Jones to Van Zandt.

^b September 30, 1843. See Van Zandt to Jones, October 16, 1843.

BROWER TO VAN ZANDT.^a

UPSHUR TO VAN ZANDT.^b

VAN ZANDT TO JONES.^c

Dispatch No. 109

LEGATION OF TEXAS

Washington City D. C.

October 16th. 1843

Honorable

ANSON JONES

Secretary of State

SIR,

On the 18th. ultimo I had the honor to make a communication to your Department on the subject of annexation. I have now the honor to submit for your information, and consideration a communication upon the same subject this day received by me, from the Hon A. P. Upshur, Secretary of State of the United States. This communication you will perceive, places that question at once in a tangible shape, it comes to the point, and presents the *issue*; Are we ready to negotiate a treaty of annexation, or not?

This question has engaged the attention of the Government of Texas, at different times since 1837 and has been pressed at *all times*, whenever there was an apparent prospect of success. From this I infer that heretofore there has been no policy of the Government more settled, than that of annexation to this country. The instructions from your Department suspending my former instructions upon this subject, I did not construe as an evidence of any radical change in the mind of the Government, as to its wishes in regard to the question, but that the desire of the Government still was to be annexed, whenever practicable. The Government at present is using every effort to obtain a peace with Mexico, not perceiving that a treaty of annexation can in any wise militate against that object. I entertain the opinion that the subject now presented by the Secretary's letter will be met in a corresponding spirit, on the part of our Government, and that the powers will be furnished to the Texian Representative here to conclude such a treaty. This opinion, as an individual, I have expressed to the Secretary of State, at the same time disclaiming any authority on the part of my Government for such an opinion.

^a October 10, 1843. See Van Zandt to Jones, October 16, 1843.

^b October 16, 1843. See Van Zandt to Jones, October 16, 1843.

c L. S.

Believing that the question of annexation is fraught with consequences of the first magnitude, and if consummated calculated in an eminent degree to advance the welfare, and prosperity of the country, I have thought it my duty to dispatch this communication by a special messenger, in order to apprise your Department as early as possible, and that no time may be lost in ascertaining on my part the determination of the Government. Having no means to employ a special agent for this purpose, and moreover, as it is difficult to embody in a communication without much time and labor, the many facts which it would be important to be known to your department touching this matter, all of which are familiar to Mr. Raymond Secretary of Legation, at my request he has consented to take charge of this dispatch and depart for Texas immediately. To him I must refer you for information in regard to many matters bearing on this question.

I am of opinion, that at no time since the question was first presented to this Government, have there been so many circumstances combining to secure the favorable action of the Senate of the United States. The late declarations of Lord Aberdeen in the British Parliament, in reply to the interrogatories of a certain Noble Lord, show the designs of the British Government in regard to the institutions of the United States through Texas, and make at once, the question, one of vital importance to the slave holding states. The possibility of England's (as many believe) securing an undue influence in Texas, and thereby monopolizing her growing trade, seems to have touched the secret springs of interest so fondly cherished by northern manufacturers, and presented the question in a form hitherto unheeded. The West are intent on the occupation of Oregon, in order to wrest it from the grasping power of Great Britain—it is believed that the interest of the two questions of the annexation of Texas, and the occupation of Oregon can be combined, securing for the latter the south and southeastern votes and for the former some northern and the entire western vote. Those presses which have discussed the matter place it above party grounds and unshackled with party trammels. This I think is highly advantageous for if it were made a strictly party vote, neither of the two great parties have sufficient members to carry it. Should the treaty be concluded some provision would necessarily be made for our Government liabilities—this would at once secure the influence of the holders thereof in this country. The influence, of the old United States Bank agents, though the bank itself is dead in law, would prove a host in itself. It has been told me, and by one entitled to confidence that some of these holders of our liabilities have lately interested in a pecuniary way, a distinguished lawyer, a whig senator from one of the northern States, who if necessary would settle in Texas in

order to prosecute measures to secure their claims. Then, if under all these circumstances we should reject this proposition, there can be but little probability that so propitious a moment will soon, if ever again occur.

With these hasty remarks I submit the matter for the determination of His Excellency the President, aided by his Constitutional advisers, with a fervent wish that his decision may redound to the welfare and prosperity of Texas.

In view of the financial condition of Texas, and believing that the Legation under the circumstances might dispense with the Services of a Secretary, Mr. Raymond had expressed to me his intention, at an early day, to tender to the President his resignation. Now, should the Government decide to make the treaty of annexation, I conceive that it will be highly necessary that the services of a Secretary of Legation should be retained, at least for the present. If therefore you should concur with me in opinion I hope that you will so manifest it to Mr. Raymond, that he may be induced to continue his services as Secretary of Legation. His knowledge of the duties of his station, aside from other considerations, renders it desirable that he should be retained, if an action be decided on.

It is but due to Mr. Raymond, and it affords me much pleasure on this occasion to bear testimony to your Department, of the promptness, fidelity and ability with which he has at all times discharged his official duties, and while I most cordially commend him to you, I feel assured that the confidence which is now or may hereafter be reposed in him by Government will never be misplaced.

If the Government determine to furnish to its agent here full powers to negotiate the proposed treaty, I think the instructions, which accompany them, should be as full and explicit as possible under the circumstances

I have also the honor herewith to communicate to the Department the copy of a letter received from Hon. Fernando Wood of New York, giving information of certain alledged violations of official duties, by J. H. Brower Esq, Texian Consul of that city. Upon the receipt of this letter, I addressed a note to Mr. Brower acquainting him of the charges against him, and requesting his statement of the circumstances connected with the affair. His reply is herewith enclosed. The two statements, between which there appears to be a very great variance, contain all I have learned in relation to the occurrence. So far as I have heretofore had an opportunity of knowing, Mr. Brower has deported himself properly, and given general satisfaction. Unless other testimony be adduced to show his culpability, I apprehend he will receive no serious censure from the Department.

Should this view concur with that of His Excellency, the President, I would respectfully suggest, that perhaps it might not be improper

for the Department to address a communication to Mr. Brower, impressing upon him the importance of avoiding as much as possible strifes, and difficulties of every character with those who have business with him, pertaining to the consulate.

I have the honor to be with the highest sentiments of regard

Your very obdt. servt.

ISAAC VAN ZANDT

[Next come copies of the following: Upshur to Van Zandt, October 16, 1843;^a Wood to Van Zandt, September 30, 1843, complaining of insulting treatment by J. H. Brower, Texan consul at New York; Brower to Van Zandt, October 10, 1843, acknowledging Van Zandt's note of October 9, in which is given a statement of Wood's charges, and defending himself against them.]

VAN ZANDT TO UPSHUR.^b

VAN ZANDT TO JONES.^c

VAN ZANDT TO JONES.^d

[Despatch No. 110.]

LEGATION OF TEXAS

Washington D C Nov 4th 1843

DEAR SIR

I have the honor to acknowledge the receipt on yesterday of your communication of the 29th September last, together with a copy of a certain correspondence with Capt Elliott British Charge d'Affaires, also the demand of the President for the delivery of Hiram Kenley a refugee from justice and a copy of the order of the Department of War and Marine directed to Col Jacob Snively with the report of that officer giving information of the manner of the termination of his campaign

The several matters embraced in your communication and accompanying papers shall receive my prompt attention. But as it will require some little time to execute all your instructions, I deem it proper first to submit for your consideration some reflections of mine upon some of the points to which my attention has been directed, together with a succinct statement of the condition of some of the various questions heretofore pending. The last I notice first.

^a See Calendar of Correspondence with the United States in Part I.

^b October 19, 1843. See Van Zandt to Jones, November 4, 1843.

^c October 22, 1843. See Calendar of Correspondence with the United States in Part I.

^d L. S.

Annexed you will find a copy of my reply to Mr Upshurs note upon the subject of annexation. I thought it best as my instructions stood to make no intimation of Opinion upon the subject but simply to inform the Secretary that a copy of his note was submitted for the determination of the Government. This question appears to receive daily, increased interest here, not only with the Government but the people also. It is the leading matter of inquiry by almost every prominent man I meet. The opinion of those friendly to the measure is that should such a treaty be in contemplation, at no time since the subject was first agitated, has there been so many circumstances combining to facilitate its ratification. Mr Adams manifests great alarm. In a speech of more than two hours length to his constituents lately, he occupied the principal portion of the time in discussing the subject and the matters connected therewith. I hope that before this, you have received my despatches in regard to it and have given it a favorable consideration

The instructions final have been sent to Gov Butler who is Commissioner to meet the Indians. I found it impossible to obtain the sanction of this Government to conclude such a treaty as would make the United States a guarantee for the faithful performance of the conditions. The present Secretary of War and Commissioner of Indian Affairs as well as Mr Spencer late Secretary of War and now of the Treasury, were uncompromising in their opposition. The commissioner is however directed to use all his powers to affect [*sic*] a treaty of peace between Texas and the Indians. The commissioner of Indian affairs has likewise addressed letters to the principal chiefs of the Cherokee, Choctaw, Chickasaw and Creek Nations to persuade them not to oppose but to use their influence with the wild Indians to induce them to conclude a peace with Texas. From the tenor of your communication I fear that the time agreed upon will not be entirely convenient for our Government. In regard to this I can only say that I have acted with the best lights upon me and hope the Department may be able to carry out the arrangements

Since the date of my last dispatch to your department I have frequently called on the Secretary of State and urged upon him the necessity of taking up the case of the outrage upon Col Bourland the collector of Red River. He has universally replied to me that he had not yet been able to procure all the testimony upon the subject but that he hoped soon to receive it when he would at once take it up. In your communication now before me I am instructed to make a demand for indemnity for the supposed amount of goods taken from the collector. I entertain some doubt whether the claim if now made can be held as well founded, since in making the demand for reparation for the wrongs done the collector we presented the fact that the goods had been ordered to be released and communicated

at the same time a copy of those orders. I take this to be the rule in civil cases that if an officer has taken possession of property and an order is afterwards issued from the proper authority for its release and in the mean time before the Officer is advised of the order of release the property is wrested from his possession and returned to its original possessor, though the party would be liable to a prosecution for the trespass or violence if used, yet it would in no degree affect his title to the property or make him liable for its value at the suit of any other person not even the officer himself. If in this I am correct I apprehend that the principle is no less true in a national point of view. I merely submit these reflections for your consideration, not as controlling my action for as your instructions are unequivocal I shall seize the earliest opportunity to make the demand and will urge it by every means in my power. There is one other point in this case to which I call your attention. Col Bourland states that it can be established that the offenders were aided or countenanced by a United States officer, Col Loomis. I have had some conversation with Col Armstrong Indian Agent on this subject and from his statement I think it will be difficult to identify the officer in any manner with the outrage. I would therefore suggest to your Department the propriety of calling on Col Bourland to procure such testimony as he may be able to obtain touching this particular point and communicate the same to me as early as possible. Since the date of my letter to Mr Upshur Secretary of State upon the subject of Dr Robertsons negroes, I have given the matter my frequent attention but up to the present time I regret to have to say that no definite action has yet been taken upon it by the Government of the United States. The Secretary of State in our early discussions upon the matter presented and urged many objections to delivering up the negroes, all of which I think I have met successfully not only to my satisfaction but that of the Secretary of State. In our last interview on the subject Mr Upshur said that he would confess to me candidly that he was convinced that the United States ought to deliver up the negroes and that he was anxious himself to do so but that the opposition of some of the cabinet was so great that as yet he had been unable to procure the sanction of the President to that course. I told him that the great delay which had occurred in this case was well nigh tantamount in its effects to a rejection and a longer procrastination of the question could not fail to be viewed by the President of Texas as manifesting a disposition on the part of the Government of the United States to avoid the performance of an act manifestly called for by the plainest treaty stipulations. Mr Upshur said he would do all he could to accord to Texas her rights but in the mean time hoped that neither this question nor those connected with the border difficulties, should be permitted to interpose obstacles to the

accomplishment of the important object of annexation. I replied that I was sure that it was the most ardent desire of the President of Texas to cultivate the most friendly relations with the United States, but at the same time I thought nothing could so much contribute to the maintenance of a good understanding between the two countries as a prompt and ready accordance of right

I am gratified to receive your instructions upon the subject of the disarming of Col Snively's command. This was a great outrage and demands reparation. I was strongly inclined to act on this matter at an earlier day, knowing the delay necessarily attendant upon the circuitous route by which Col Snively's report would be sent, but as I would have had to rely upon newspaper statements which were uncertain and contradictory I finally concluded to await the receipt of intelligence from your Department in regard to it. I shall immediately make the communication to this Government upon the subject as directed in your instructions,

* * * * *

I will see the President on Monday, (to day being Saturday and the usual day for the meeting of the Cabinet,) upon the subject of the delivery of the refugee Henley^b and will write to Genl Henderson the result.

I am exceedingly gratified to find that amidst all our difficulties our prospects are brightening. I think that there is much ground to indulge the hope that ere long Texas will surmount the obstacles which have retarded her progress and by the successful prosecution of a proper policy find herself again restored to peace and prosperity.

With Sentiments of high regard I am

most respectfully

your obt Sert.

ISAAC VAN ZANDT

To

HON ANSON JONES

*Secretary of State
of Texas*

P. S. Please remember me to the President and Gent of the Cabinet
thine

I. V. Z.

[Next comes a copy of Van Zandt to Upshur, October 19, 1843.^c]

VAN ZANDT TO UPSHUR.^d

^a Here is omitted a paragraph referring to Van Zandt's salary.

^b Written inadvertently for Kenley. See the first paragraph of the letter.

^c See Calendar of Correspondence with the United States in Part I.

^d November 10, 1843. See Van Zandt to Jones, November 30, 1843.

Clay could effect this object, but I fear he will be disposed to take no part. If however the treaty is concluded I have strong hopes it will succeed.

I expect to send this by a Gentleman who leaves in a day or two as bearer of dispatches to Genl Murphy.

With sentiments of high regard

I remain most truly your friend and

Obt sevt

I VAN ZANDT

[Inclosed is a copy of Van Zandt to Upshur, November 10, 1843.^a]

MURPHY TO JONES.^b

Despatch A.

LEGATION OF THE UNITED STATES,
Galveston, Texas,
1st. December 1843.

To the Honbl.

ANSON JONES,

Sect of State, of the Repb. of Texas.

SIR,

The undersigned, Charge d'Affaires of the U. States, near the Government of the Republic of Texas, has to perform the painful duty of communicating to you, the circumstances incident, to a most unprovoked murder, recently committed at the Pine Bluffs, in Texas, of a choctaw warrior, named Daniel Wesley, by a white man, named George Albion.

It appears, from the evidence, on file in the office of this Legation, (copies of which, will be furnished to the Government of Texas, if required) that on the 4th of September last the murderer, George Albion, who had been left in charge of the Grocery of Messrs Matthews and Stiles at the Pine Bluffs, having traded some whiskey, or other intoxicating Liquors to the deceased and another Choctaw Indian, named "Charley", for a Buckskin, upon which the two Indians became very much intoxicated, shoved them both out of the Door of the House, both Indians falling prostrate on the ground, out side of the Door. Whereupon, Albion, went out, and as Daniel Wesley was getting up, Albion struck him on the side of the head with a Hoe, or some dangerous weapon, fracturing his skull, from the back part of the Head to the front Temple, protruding one eye nearly out of his head, Fracturing the Temporal and parital bones of the left side of the Head, the several edges of the bones pressing upon and lacerating the Brain, of which, the Poor Indian died in a few hours.

^a See Calendar of Correspondence with the United States in Part I.

^b A. L. S.

To you sir, or to your Government, I need not describe the deep sensation, the ardent desire of revenge, which this unhappy event, created throughout the whole tribe of Choctaw warriors, and the neighbouring tribes of Indians affiliated with them.

I may say however; that it required the utmost prudence, and energy on the part of the Civil and Military authorities of the United States, near the scene of murder, to check the exasperated warriors, from seeking redress by the only means they generally adopt, of an indiscriminate slaughter of the first victims that chanced to fall in their way.

This vigilance and prompt action, of our officers, I am happy to say, was instantly put in operation, and an effort to bring the murderer to punishment, with the assistance of some of the Good Citizens of Texas, resulted, in an agreement with the Indians, that the matter should be promptly submitted to the authorities of the Government of Texas, with the assurance, that your Government would cause the offender to be arrested, and brought to a speedy trial. And this is the object of the communication now made to you.

You are aware, that it is at vast expense and trouble, the Government of the United States, assiduously endeavours to maintain relations of peace and amity with the Indians Tribes, guarding not only their own, but oftentimes extending that guard, to the frontiers of Texas, and protecting as far as they can, all white Settlements along those extensive frontiers from the out breaks and incursions of the Indians.

In the discharge of this humane and necessary duty, the experience of many years has convinced the Government of the United States, that most of the evils resulting to our western and border settlers, from "Indian outrage", is brought upon the white People, by their cruel and wicked practice, of retailing Spirituous Liquors to the Indians. And the Government of the United States, will use its best endeavours, and beseeches the aid and assistance of the Government of Texas, in suppressing a traffic, so detrimental to the peace and safety of the western and border settlers, of both countries.

That the joint efforts of both governments, to suppress the sale of spirituous Liquors by the citizens of either country, to the Indians, will produce the most beneficial results, there can be little doubt—and their mutual efforts, to punish all crimes committed against the Persons, or property of the border tribes, being a christian, as well as a national duty, if persevered in, with good faith, will restore to our fellow citizens a greater security, than they have heretofore enjoyed.

That this is a desideratum greatly desired by the Government of Texas, I can have no doubt, and, that you will take the earliest steps, effectually to bring Mr. Albon to punishment, if guilty, I will not permit myself to question. Whatever other, or further information

on this subject you may require of this Legation, you shall have, as far as it is in the power of the undersigned to impart it.

With sentiments of the most sincere respect and esteem, I have the Honor to be—Sir,

Your Obt Sevt.

W. S. MURPHY.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Washington [Texas] Decr. 13th 1843

HON ISAAC VAN ZANDT

*Charge d'Affaires of Texas
etc etc etc*

SIR,

Your two communications of the 16th Oct. and 4th Novr Ulto. have been recieved at this Department. The absence of His Excellency the President from the Seat of Government untill the time of the meeting of Congress and his various engagements since his return consequent upon the assembling of the Representatives of the people have prevented an earlier reply.

The question of the annexation of Texas presented in the note of the Hon. A. P. Upshur, Secretary of State of the United States, has engaged the most anxious attention of the President, and I am specially directed by him to communicate to you the following as the result of his deliberations on this subject, for your governance in making a reply to the note above refered to.

The interposition of foreign friendly governments, by which an Armistice has been established between Texas and Mexico, and the prospect of a permanent peace with that power given, has been extended by the particular governments, mostly influential in obtaining these most desireable results chiefly with a view that in the event of Mexico's agreeing to acknowledge the independence of Texas she should continue to exist, as a separate and independent nation. The great object and desire of Texas is the establishment of a permanent and satisfactory peace with her enemy, and for this purpose the good offices of these powers has been asked and obtained, and the object sought for, through their intervention appears now on the eve of being realized. This intervention and these good offices have been gratuitously and unconditionally given, and although Texas is entirely free to pursue any course she may please in future, the president thinks that in the present state of our foreign relations, it would not be politic to abandon the expectations which now exist of a speedy settlement of our difficulties with Mexico, through the good offices of other powers for the very uncertain prospect of annexation to the United States however desirable that event, if it could be consum-

mated, might be. Were Texas to agree to a treaty of annexation, the good offices of these powers would it is believed be immediately withdrawn, and were the Treaty then to fail of ratification by the Senate of the United States, Texas would be placed in a much worse situation than she is at present, nor could she again ask or hope for any interposition in her behalf, either by England or France—and with our consequent supposed dependence upon the United States might again return the apathy and indifference towards us which has always until now characterized that government. Texas would then be left, in the same situation she was two years since without a friend and her difficulties with Mexico unsettled.

This government is duly sensible of the very friendly feeling evinced by the President of the United States in the offer to conclude a treaty for the annexation of this country, but from all the information which he has been able to obtain in relation to the views and feelings of the people of the United States he is induced to believe that its approval by the other branches of that government, would be, if not refused, at least of very uncertain attainment. At this particular time, therefore, and until such an expression of their opinions can be obtained as would render this measure certain of success the President deems it most proper and most advantageous to the interests of this country, to decline the proposition for concluding a treaty. In making a communication of this determination to the government of the U States it will be proper to inform that government, that whenever the Congress or Senate of the United States shall throw wide open the door to annexation by a resolution authorizing the President of that Country to propose a treaty for the purpose, the proposition will be immediately submitted to the Representatives of the people of this country, and promptly responded to on the part of its government.

The present determination of the President on this subject, does not proceed from any change in his views of the general policy of the measure but from a change in the relations of this country with other powers.

Mem. consul's commission for Mobile.^a

The amendment made to the Treaty negotiated by Mr. Riley, in the Senate of the United States, viz. the striking out the 4th and 5th Articles, renders the Treaty unacceptable to this government, consequently it will not be ratified in that shape by Texas. It is however, quite desirable that a treaty should be established between the two countries as the events of the last year have most abundantly shown. As it will be impossible perhaps to obtain for the present a more favorable arrangement than the one negotiated by Mr. Riley you

^a This memorandum is written on the upper margin of the page on which it occurs.

will use every proper effort in your power to obtain a reconsideration of the vote of the Senate rejecting the 4th and 5th Articles, and endeavor to procure a ratification of the treaty, either in the modified form proposed by the Senate of Texas (which is the more desirable one) or this failing in the form originally agreed upon between the contracting parties.

As it is anticipated objections may still exist in the minds of the northern Senators particularly, on this subject, it may be well to call to your assistance some individual from that section of the country, who from his knowledge of the interests of the people there and acquaintance with the individuals in question, might be able to remove those objections. I know of no person, in such an event more likely to be serviceable than our present Consul for the port of New York. Should a state of things arise therefore, in connexion with the action of the Senate upon this treaty, which would appear to render it desirable, you will request him to visit Washington for the purpose above referred to. The commercial and general intelligence of Mr. Brower his high standing and respectability as a Merchant, and his intimate acquaintance with all that concerns our trade with the United States, point him out as a most suitable person to act with you in the attainment of this important object. I have instituted careful enquiries in relation to the conduct of our Consul at New York, in the affair complained of by Mr. F. Wood and am satisfied that the conduct of that functionary in this instance, as in every other connected with the discharge of his official duties, was justifiable and proper, and that the charges brought against him by Mr. Wood were both unfounded and malicious. I shall at an early day and so soon as leisure permits address a communication directly to Mr. Brower, on this and other subjects. In the mean time, I feel it my duty to say that the government of Texas has never had an officer, who has discharged his duties more ably, faithfully and satisfactorily than Mr. Brower.

You will please communicate a copy of the above to that gentleman.

Your sending Mr. Raymond as bearer of dispatches meets the approbation of the President. His presence here at this juncture of affairs gives him an opportunity of obtaining much valuable information, connected with our public interests, which he will communicate to you on his return. The Department is satisfied of the very able and faithful manner in which he has performed the duties of his office. His stay at the Court of Washington will probably depend upon the contingency of an appropriation by Congress for his salary. I refer you to him for much of importance which it is unnecessary I should write.

In relation to the outrage committed on Mr. Bourland, I would observe in reply to the remarks in your last, and in addition to what I have heretofore said that the order for the release of the goods was

only conditional, and as the opportunity was not afforded of complying with those conditions by the forcible recapture of the goods, the government of the United States can have no right to claim the goods by virtue of that order or to refuse payment for them in consequence of its having been given. It appears to me that the participation of the officer Col. Loomis in this affair is virtually admitted by the United States government.

Enclosed herewith I send you the Commission of ^a Esq. as Consul for Mobile which together with his Exequatur when obtained you will please transmit to that gentleman.

By information recieved at various times from Mexico, this government is advised that Gen Waddy Thompson U. S. Minister to that Court, has on different occasions made assertions of an unwarrantable nature, and derogatory to the character of the President of this Republic, charging upon him the crime of having endeavored to procure the destruction of the prisoners captured at Mier in December last. Untill recently these accounts were deemed of a character too monstrous for belief, and although for many months past, the journals of this country and the United States have reiterated a charge of this kind, the President would not have deemed the matter of a sufficiently authentic character to demand a serious notice, had not letters of Gen. Thompson to Mr. Doyle H. B. M. Chargé d' Affaires at Mexico, recently published appeared to confirm the fact that Gen. Thompson had authorized such a statement.

The President therefore directs that you will bring this matter properly before the Government of the United States and respectfully request that they will institute an enquiry into the matter with a view of rendering justice, to the President of the Republic of Texas, (whose private character has been most wrongfully assailed,) in accordance with the friendly relations which should exist between the two countries. * * *^b

I have the honor

to be with the highest respect

Your Obt Sv.

Signed)

ANSON JONES

MURPHY TO JONES.^c

LEGATION OF THE UNITED STATES,
Galveston, Texas, 24th Decemb. 1843.

To the Honbl.

ANSON JONES *Sect of State etc.*

SIR, I have the honor to enclose to you, for reading of his Excellency the President of the Repb. of Texas, The Message of the Presi-

^a Here is left a blank for the name, which was not filled.

^b Here is omitted a paragraph relative to Van Zandt's salary.

^c A. L. S.

dent of the United States.^a You will certainly observe, from the perusal of this great state paper, that the Executive Government of the United States, is in earnest, when it gives assurance of its friendship and regard of the Republic of Texas. And I am peculiarly gratified and would congratulate you, and the President, upon results, so happy, flowing from, apparently, discordant, and equivocal causes, all working together, however, for the Independence of the Republic of Texas, and the Liberties of the People.

I offer to you Sir, the assurance of my high respect and esteem.

Your obt. Sevt.

W. S. MURPHY

UPSHER TO VAN ZANDT.^b

VAN ZANDT TO JONES.^c

Despatch No 112

LEGATION OF TEXAS

Washington [City] Jany 2nd 1844

HON ANSON JONES

etc etc etc

SIR

Since the date of my last despatch I have repeatedly urged upon the Secretary of State of the United States as well as the President the necessity of giving to the several complaints which we have made against this Government a prompt and immediate consideration. The Secretary of State has at all times manifested an ardent desire to at once take the necessary steps to accord to Texas a proper satisfaction. He has frequently stated to me his concurrence in the opinion that the acts of Capt Cook were highly censureable and unjustifiable and of his wish to disclaim them on the part of his Government. The difficulty exists with the President who says that he has not been able to satisfy himself in regard to this as well as the circumstances in relation to the outrage upon Col Bourland and the obligation the United States is under to surrender Dr Robinsons negroes. In the early part of the last week I called upon the President and also the Secretary of State and stated to them that a longer delay in regard to these several matters could not fail to be considered as evidence of a disposition upon the part of the Government of the United States to ward them off. Each disclaimed any such intention and said I should receive a note explanatory of the causes of the delay. On last Saturday I received the note of Mr Upsher a copy of which is herewith

^a See Richardson, *Messages and Papers*, IV, 257, *et seq.*

^b December 29, 1843. See Van Zandt to Jones, January 2, 1844.

^c A. L. S.

inclosed. To me it is far from being satisfactory and I had designed to have another interview with that gentleman before I closed my despatch, but when I called at the State Department on today I learned he was very unwell and unable to attend to business. I then saw the President and told him I considered the note of Mr Upsher as calculated to strengthen the idea of a wish on the part of the United States Government to prolong their action and treat the subject lightly, that such an impression was to be regreted that the complaints were not made as matters of form but that we must insist on their being met and I hoped without unnecessary delay, that six months had near elapsed since the principle act was committed and that I must be excused for saying to him I thought the time sufficient. The President replied that he looked upon them himself as important and for that reason he was desirous to examine them fully, but that he would again assure me he had not the slightest disposition to evade them but felt a sincere desire to do full justice to Texas and that without unnecessary delay. Thus I have given you the situation of these several matters as they have progressed. In regard to the letter of Genl Gains the Secretary of War showed me the orders of his department to Genl Scott in relation to it in which he directs the orders to be countermanded and says that it was not only written without authority but in violation of the known wishes of the War Department. Genl Gains is here and I am told is quite sore upon the subject. I have been introduced to him and we have had some conversation but his letter was not alluded to by either of us.

I shall not reply to Mr Upshers note at present but await this and the ensuing week and if by that time a further answer is not received from him I shall answer his note and reiterate explicitly the demands for reparation as contained in your instructions upon these several subjects. After the apparant candid averments of the President and Secretary of State that they have no disposition to ward off these matters it would perhaps be uncharitable to charge the contrary. Yet I believe that no harm will result from addressing the Secretary of State more energetically if they are suffered to pass over until the time before alluded to. In connexion with this subject I saw stated in the newspaper that Mr Webster had indicated to Genl Almonte that by the permission of the Mexican Government this Government would furnish an escort to the Santa Fé traders beyond the boundary of the United States and that Almonte replied that he had no authority to give the permission. I called upon the President Secretary of State and Secretary of War and asked the grounds for the rumor. In the War Department I was shown a statement of the case which fully sustained the publication. I then told the President and Secretary of State and War that in the name of my Government I should protest against all such propositions, that Mexico had no power to authorise

such a movement that the territory over which the route passed belonged to Texas and that any movement of the character alluded to would be held as a violation of her rights. Each of the Gentlemen disclaimed any intention on the part of the Government of the United States to interfere with the territory of Texas or the contest of boundary between Texas and Mexico. I likewise had understood that Capt Cook after the capture of Col Snively's command had continued his march to Santa Fé. This was denied by the Secretary of War who assured me that Capt Cook had been expressly ordered not to go beyond the boundary of the United States.

I have looked for some time with great anxiety for the receipt of your reply to my communications upon the subject of annexation. Though the measure has been carefully avoided in Congress by both friends and opponents yet it is decidedly *the question of the day*. I have said to the President as well as Mr Upsher that it matters not what may be the nature of your reply I was satisfied that we could not accede to their proposition until proper satisfaction had been accorded to us in the several matters of complaint which we have made against the Government of the United States. This declaration I think will spur them up and force them to an action they might otherwise be disposed to evade.

The two Houses of Congress are doing but little. The discussions have been principally upon points of order and the propriety of receiving abolition petitions. The latter being the old hobby of Mr Adams.

The appointments of Messrs Upshur and Nelson were yesterday confirmed by the Senate.

I have been endeavoring to urge upon members of Congress the propriety of repealing the duty upon our cotton. Mr Slidell of Louisiana has introduced a bill for that purpose and I have strong hopes of its passage. If this can be effected we will thereby secure the principle advantages embraced in the late treaty without giving the important equivalents therein conceded. Mr Argaiz the Spanish Minister yesterday presented his letter of recall and will soon depart for Europe. His recall is on account of the late changes in the Government of Spain.

Since the meeting of Congress I have left Alexandria and taken a house in this City near the War Department on *Penn Av*

* * * * *

With great regard Most Respectfully
Your Obt Servt

ISAAC VAN ZANDT

[Inclosed is a copy of Upshur to Van Zandt, December 29, 1843.^b]

^a Here is omitted a paragraph relative to Van Zandt's salary.

^b See Calendar of Correspondence with the United States in Part I.

UPSHUR TO MURPHY.^a

UPSHUR TO VAN ZANDT.^b

VAN ZANDT TO UPSHUR.^c

UPSHUR TO VAN ZANDT.^d

VAN ZANDT TO JONES.^e

[Despatch No. 113.]

LEGATION OF TEXAS

Washington [City] 20th. January 1844

HON ANSON JONES

Secretary of State

SIR

Mr. Raymond reached here on the 13th. inst., by whom I had the honor to receive your communication of the 13th. ultimo, the contents of which have engaged my most serious and undivided attention, When I had the honor to enclose you the note of the Hon A. P. Uphur, Secretary of State, submitting the proposition for annexation, it was impossible to speak with any great degree of certainty of the amount of support which such a treaty, if concluded, would receive in the Senate of the United States. Since that time the question has been discussed to some extent by most of the political presses of the country. Congress has assembled and an opportunity has been afforded to ascertain the individual views of many Senators. I have endeavoured to avail myself of these and every other means in my power, in order to the formation of a correct opinion as to the probable success of the measure should it be attempted. Deeply impressed with the importance of the suggestions contained in your dispatch, since its receipt I have attempted, with the aid of several distinguished gentlemen in and out of Congress to reinvestigate and review the whole case as it is presented here. The result of these investigations has determined [me] to withhold, until I can communicate with your department again, the reply indicated in your communication declining the proposition of the Government of the United States. In doing this I feel assured that the great interests of the country,

^a January 16, 1844. See Calendar of Correspondence with the United States in Part I.

^b January 16, 1844. See Van Zandt to Jones, January 20, 1844.

^c January 17, 1844. See Van Zandt and Henderson to Jones, April 12, 1844.

^d January 19, 1844. See Calendar of Correspondence with the United States in Part I.

^e L. S.

as well as the views and wishes of the President and people of Texas will be best promoted and subserved; confidently relying at the same time that my course in this instance will find a justification in your enlightened judgment.

The President of the United States, believing that the annexation of a foreign state or territory to this Union should most properly be done by treaty, precedents having already been established in the cases of the acquisition of Louisiana and Florida, and a proposition to that effect having already been submitted by his direction, considered it not only useless but improper to recommend to Congress any action at present in regard to it. The fact that the proposition has been made has likewise been communicated by the Secretary of State to many of the leading members of both Houses, which, in connection with the universally conceded opinion that the measure should be presented in the form of a treaty, has prevented any action whatever in either branch of Congress on the subject. A resolution, authorizing the President to enter upon any negotiation whatever, has never been attempted, unless in such cases where he had declined or neglected to act. To instruct him to do that which he had already done would not only be useless but uncalled for. Such are the opinions of every prominent member of either House with whom I have conversed, as well as other distinguished gentlemen out of Congress who are advocates of annexation, amongst whom I will name Mr. Justice Catron of the Supreme Court, whose opinions I have no doubt will be appreciated by His Excellency the President. From these facts and opinions I am satisfied that if annexation be ever attempted, it must be first by a treaty.

I proceed now to state some of the evidences which impress me with the conviction that if a treaty is concluded, it will be ratified. Mr. Tyler having withdrawn from the contest for Presidency the question neither is, nor will be considered in reference to him, but being supported by both whigs and democrats will not be determined as a party measure, but as a great national one, alike interesting to the whole Union. The impressions, which exist here in regard to the State of Affairs, have induced the opinion that Texas must either be annexed to this Union, or become in some form or other a dependency of Great Britain. This view of the case has had an important influence upon many of the Senators of the non-slaveholding states. Were the question deprived of this feature I should despair of its success. It is believed that any undue influence, obtained by Great Britain whether in a commercial or other point of view, in Texas, must sooner or later prove dangerous to the institutions and prosperity of this country and therefore ought to be resisted. I deem it unnecessary to capitulate the many reasons that have been urged here to show that this would be the effect. This subject I believe

is well understood and fully comprehended by both northern and southern men. It is also believed that Great Britain is now using every means to accomplish these purposes, and that the only security against her insidious policy is through annexation.

In looking to the Senate to see who can be relied upon to sustain the measure, from all the information which I have derived, I give the following as my decided opinion. There is but little doubt in the minds of many that Mr. Clay will be elected to the Presidency. Some of his particular friends, viz. the Senators from Kentucky, together with Messrs Archer and Mangum, in prospect of that event prefer the measure postponed in order that Mr. Clay may have the credit of effecting it, but at the same time, if the treaty be now made, will support it beyond doubt. Premising this I feel confident that we may rely upon the entire vote of the south and west, regardless of party, while at the north we may calculate on the whole democratic vote, and many say Mr. Tallmadge of the Whig party, though the latter may be considered doubtful. If I am correct then in my opinions a treaty might be submitted with a confident prospect of its ratification. Believing then that a treaty is the proper mode, that public sentiment is ready for action, that the feelings already aroused should not be suffered to waste themselves on uncertain or collateral issues, and that by delay we should hazard the accomplishment of this great measure, I deem it my duty to resubmit the matter to your department for the determination of the President.

Should any other legislative action be attempted, one of the greatest arguments which would be relied on by the opponents of the measure would be that the Government of Texas has not evinced a willingness to be annexed, and that any movement of Congress would be improper until this fact is known. Under my present instructions I could give no assurance that the Government of Texas would agree to annexation, even were a law passed to that effect. A vote upon a resolution of this character^a would not be a fair test, for all those who would vote for a treaty were it presented but desired to delay the measure, would vote against such a resolution.

The question presents itself in another point of view, suppose that the treaty if made should fail, yet the terms on which Texas is willing to be admitted having already been agreed upon, the data would thereby be given upon which to frame a bill. Such a bill, incorporating the provisions of the treaty for the admission of Texas into the Union, it is the opinion of many members, may be constitutionally passed into a law by a simple majority of both Houses of Congress, but without a basis previously agreed upon it would be impossible to take any action. If this view of the constitutional

^a I. e., a resolution intended to effect annexation.

question be correct the success of the measure would be placed beyond the shadow of a doubt.

I respectfully submit it as my settled conviction that Mexico does not now contemplate the free acknowledgment of the independence of Texas, nor will she grant it at this time, without such concessions as Texas will not make. England would doubtless oppose annexation, but on the other hand she will never force or compel Mexico to acknowledge our independence without some boon from Texas, which cannot be granted. It is a well ascertained fact in my mind that the present armistice does not proceed from any disposition on the part of Mexico to agree to the independence of Texas.

If in resorting to annexation, Great Britain desert us during its pendency, the fact of concluding the treaty will organize a party in this country that will neither permit us to be attacked nor cease its powerful support until annexation shall be effected.

I am authorized by the Secretary of State, who speaks by the authority of the President of the United States, to say to you that the moment a treaty of annexation shall be signed a large naval force will be assembled in the Gulf of Mexico, upon the coast of Texas, and that a sufficient number of the Military force will be ordered to rendezvous upon the borders of Texas, ready to act as circumstances may require; and that these assurances will be officially given preliminary to the signing of the treaty, if desired by the Government of Texas; and that this Government will say to Mexico that she must in no wise disturb or molest Texas.

Believing that in the decision of this question the destinies of our land are suspended, I should be recreant to my duty did I not again present to you these facts and reflections that they may be submitted to the President, who under the guidance of Him, who directs the destinies of mankind, I trust will decide upon them in such manner as shall receive the welfare of our common country.

That portion of your communication respecting the unprecedented and remarkable conduct of Genl. Waddy Thompson towards the President I have verbally communicated both to the President of the United States and Secretary of State, and had intended to make a communication on the subject to the State Department, but on further reflection I am not satisfied in my own mind whether under the circumstances it would be best to do so. The President and Secretary of State both informed me that General Thompson had resigned and his resignation been accepted, and that he is looked for here in a few days. I will continue to think of the matter and take any steps which may seem proper and necessary. In the mean time if it is desired by His Excellency the President that I shall make the communication before indicated, you will write me; and your instructions shall be immediately complied with.

The treaty concluded by Mr. Reily has not been taken up with a view to a reconsideration of the amendments, nor do I believe it

will be possible to pass it in the original form at present, although I have reason to believe that the vote would be stronger for it than at the last session. One of the most formidable objections urged against its ratification was, that owing to our internal difficulties and the dangers which attended us from without, the belief of the possibility that Texas might become subject to some other foreign power was induced, and that if the navigation of the Red River and the Mississippi was conceded the benefits might enure to others through Texas. Though proceeding from a different state of [the] case the objection still exists in as strong form as at the last session. It is alleged, as stated in a former part of this dispatch, and many believe it true, that England is about to obtain an undue influence in Texas, and these privileges of navigation if granted to Texas might be made the source of annoyance to the United States. That portion of the Southern Senators who opposed the treaty I think might now go for it if an action was taken, but yet these same gentlemen are averse to moving in the matter so long as there is a prospect of annexation. Place these two measures before the senate when you will and annexation will receive the greater number of votes.

Mr. Slidell of Louisiana has introduced a bill to admit our cotton free of duty, and I have strong hopes of its passage. The only reason that will operate with much force to defeat it, is, that it is a part of the general tariff act, which many are opposed to disturbing. Mr. Archer told me last night in a long conversation I had with him, that the bill if it could pass the House, would pass the Senate without difficulty.

For the present I do not think it necessary to require the services of Mr. Brower, when I have received your answer or even before if it appear important I will inform him of the fact.

I have the honor to enclose you herewith a copy of a communication from Mr. Upshur, Secretary of State, upon the subject of the disarming of Major Snively. I have not had time to reply to it. I will do so as early as possible and notice the other causes of complaint in a more specific manner.

Knowing that the Archives of the Government are at Austin I have sent you a copy of the former instructions on the subject of annexation, so that if the President should think proper to make the treaty they may facilitate in drawing any new instructions for the governance of your Representative here.

I have informed the Secretary of State verbally of the views of the President as to the formation of a treaty of annexation as indicated in your dispatch.

With sentiments of high regard I have the honor to be most respectfully

Your Obdt. Servt

ISAAC VAN ZANDT,

UPSHUR TO VAN ZANDT.

SIR,—When I had the honor to address you on the 29th. ult relative to the outrage alledged by you to have been committed by Captain Cooke of the army of the United States in disarming a Texan force under the command of Colonel Snively, I could do no more than give you a general assurance of the regret felt by the President that any cause of complaint should exist on the part of Texas against this Government, and of the readiness of this Government to repair any wrong done by its forces to the dignity of Texas or the rights of her people. The pressure of other duties, particularly since the session of Congress, has rendered it impossible to give to your letter upon this subject the attention which it would otherwise have received. I have now the honor to communicate the views at present entertained by this Government, and to invite from you any further suggestions which you may think necessary to elucidate the subject.

From the statements made to this Government, the following appear to be the facts of the case. On the 15th. of March, last, an application was made by several American citizens to the Department of War for an escort from Missouri to Santa Fe in Mexico. On the 17th. of the same month General Almonte, the Mexican Minister, addressed a note to the Secretary of State, desiring a similar escort for certain Mexican merchants then in Missouri, who desired to transport a large amount of goods which they had purchased, to Santa Fe. On the 28th. of that month, directions were issued to the War Department to have the escort organized for the purpose of protecting such of the citizens of the Republic of Mexico and of the United States as should be desirous of availing themselves of the same. The escort was to proceed as far as the territory of the United States extended on the route to Santa Fe. Some subsequent correspondence took place, but it did not alter the purposes of the escort or the extent to which it was to proceed.

Captain Cooke of the Dragoons was detailed for this duty and a force of about one hundred and ninety men was placed under his command to carry out the orders of the Department. They rendezvoused at Council Grove, Neosho River on the 3rd. of June, and proceeded on their route with the Caravan of traders.

On the 22nd. of June, Captain Cooke states, that when at Walnut Creek, he received intelligence that Colonel Snively, having about one hundred and eighty Texians under his command, had avowed his intention to attack the caravan wherever he could find it unprotected, and had also made many threats against the American portion of it, and that three of their spies had been reconnoitering in the territory of the United States, and had returned on seeing his command. He however proceeded with the escort and caravan in the direction of a

crossing, and on the 30th. of June he saw three horsemen about a mile in advance, whom he supposed to be those spies, and in pursuing them, came in sight of the Arkansas river, on the opposite side of which, he saw in a large grove, a force of men and horses. They hung out a white flag, and he sent a subaltern with a trumpeter and flag to ford the river to their camp. He directed him to demand of the commander who they were and what they did there, and to give such commander or another safe conduct over to him and back. On his return, Colonel Snively and another officer, his aid, accompanied him, when Captain Cooke informed him that his people were in the United States, and desired to know who they were, and if he had a commission? to which Col. Snively replied that he had a Texan volunteer force of 107 men, 75 having lately returned to Texas, that he believed he was on the territory of that Republic and that he had a commission which he exhibited, and a copy of which accompanies Captain Cooke's communication.

That document is not in the form of a commission, but of an order signed by the Acting Secretary of War and Marine, and authorized the raising of a partisan force without expense to the Government; the object of which was to retaliate and make reclamation for injuries sustained by Texian citizens, and declaring that the merchandize and all other property of all Mexican citizens would be lawful prize. Such as might be captured, to be brought into Red River, one half of it to be deposited in the Custom House of that District, subject to the order of the Government, the other half to belong to the captors, and be equally divided between the officers and men. The force was to operate in any portion of the territory of Texas above the line of settlements and between the Rio del Norte and the boundary line of the United States, but would be careful not to infringe upon the territory of that Government. Captain Cooke about this time observed some twelve or fifteen men crossing from the north to the south side and proceeding to the Texian Camp. The land on the north side of the Arkansas River was confessedly in the territory of the United States. Captain Cooke states that he believed the ground on which the Texians were encamped was within the territory of the United States also; that the line, it is true, had not been run from Red River to the Arkansas, but that it was understood by all to strike the latter river at least fifteen miles above the point where they were, while some believed the line to be as high up as Chouteau Island, sixty or seventy miles above the Caches,^a or seventy five or eighty miles above the Texian Camp. That he then disarmed the force, offering such as chose to go to the State of Missouri, an escort to Independence in that State, of which offer about fifty availed them-

^a See Gregg, *Commerce of the Prairies* (ed. 1844), map facing p. 17.

selves; the residue preferring to return to Texas were furnished with ten rifles and with provisions, of which they said they stood very much in need.

Captain Cooke justifies his conduct, on the grounds that he found this force within the territory of the United States, engaged in the attempt to interrupt the lawful trade between the United States and Mexico, and that he had the right to disarm, so as to take from them the power of molesting our own citizens and those of Mexico engaged in that trade; that he used no harshness, nor more force than was necessary to accomplish the object.

Colonel Snively on the other hand alleges that he was on the Texian territory; that he was not fairly dealt with, and that he was deceived under a flag of truce to place himself in Captain Cooke's power; that being disarmed, he was exposed to danger and to the actual loss of some of his men in passing through the hostile bands of Indians on his return to Texas, in consequence of the want of those arms. It further appears from the diary of Captain Cooke, that the transaction took place in the 94th degree of west longitude, as ascertained by actual observations, on which he relies.

If the facts be as here stated, the conduct of Captain Cooke, although it may not have been proper or justifiable, was not such as to merit the severe reprobation which it has received. There is every reason to believe that the force of Colonel Snively was actually within the territory of the United States. It was the duty of Captain Cooke to protect the traders, both Mexican and American, throughout the whole extent of our territory. The least that can be said of it is, that there was no proof, and no strong reason to believe that the place was within the territory of Texas. So long as the territorial jurisdiction was doubtful, both parties had an equal right to be there; and although the uncertainty of the jurisdiction might have justified the Texan forces in attacking an enemy's force found there, the same consideration made it the duty of Captain Cooke to extend his protection to the caravan committed to his charge. Each party acted upon its own responsibility and was bound for all consequences. So far, therefore, as the mere question of territorial jurisdiction is concerned, neither party can have any assured ground of complaint, until the *fact* shall be ascertained. In the mean time it would seem to be enough that each Government should disclaim any intention to violate the territory of the other; and that disclaimer I now make, in the fullest manner, on the part of this Government.

The only question, then, which can now be decided, respects the manner [in] which Captain Cooke discharged the duty of protecting the caravan of traders. In disarming the force of Colonel Snively, he acted without specific instructions from this Government, nor had

he, any instructions which would authorize him to violate any right of Texas or of her people. Neither will he be held justified in executing a lawful authority in a harsh or unbecoming manner. I am directed to give this assurance to you and through you to the government of Texas, in the most explicit terms. It may turn out, that Captain Cooke has exceeded his authority, in offering any hindrance whatever to the forces of Colonel Snively, or that in the exercise of a legitimate authority, he has gone beyond the necessity of the case. So far as the disarming of Colonel Snively's force is concerned, the probability is that it will be so found. But in the present uncertain state of the facts, it seems to the President that the Government of Texas can require nothing more than the immediate institution of the requisite inquiry with a view to ascertain the exact state of the case. Directions have accordingly been given to the Secretary of War to order forthwith a Court of Inquiry upon Captain Cooke, and to give to the inquiry as ample a range as possible. The arms taken from the Texan troops will be restored or compensation made for them. And such further steps will be taken, upon the report of the Court of Inquiry as may seem to be necessary, in order to render full justice to Texas and her people.

In regard to the letter of Brevet Major General Gaines to Brevet-Brigadier General Taylor, of which you complain, I have to say that it is not of an official character and has not been communicated to any department of this Government, by the writer of it. I desire to assure you, however, that this government does not claim the right to operate beyond its own limits in time of peace; nor to violate the territory of any other power, by marching an armed force into it. Hence it has no difficulty in disclaiming the doctrine on that subject attributed to General Gaines.

In conclusion, Sir; I beg leave to repeat to you the assurances heretofore given, that this government never meditated and will not sanction, any indignity towards the government of Texas, nor any wrong towards her people; and will readily and with pleasure repair any injury of either kind, which may be made to appear. Whatever backwardness may seem to have been shown, in attending to the complaints of Texas is to be attributed to the extreme pressure of the indispensable calls of duty, and not to any disinclination to render proper respect to the claims of that government.

I avail myself of this occasion, Sir, to offer you renewed assurances of my high consideration

(Signed)

A. P. UPSHUR

To The Honorable ISAAC VAN ZANDT

etc, etc, etc.

DEPARTMENT OF STATE,

Washington, 16th. January 1844.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE,
Washington [Texas], Jan. 27th 1844.HON. ISAAC VAN ZANDT,
Chargé d'Affaires of Texas,
etc. etc. etc.

SIR,

I have the honor to acknowledge the receipt of your dispatch, No. 112, under date of the 2d. Inst., which is the only one received from you, at this Department, since the departure from here of Mr. Raymond.

It is not the desire of this Government that the claim for the two negroes of Mr. Robertson should be any further pressed by you, at present. The propriety of our right to demand the restoration of them by the Government of the U. States is at least questionable and until the owner of the Slaves shall have produced satisfactory evidence, in support of his claim, the further treatment of that subject may be discontinued. The complaints, however, in the cases of Mr. Bourland and Col. Snively are of a grave and important character, and it is confidently hoped the Government of the United States will award prompt satisfaction and reparation for these outrages, committed, either by or under the sanction of its own officers. The settlement of these difficulties would, it is believed, have a tendency to promote the continuance of friendly relations, as well as to ensure success to any negotiations which may be undertaken between the two countries.

Should you be satisfied that the door will be opened by the Congress of the United States, for the Annexation of Texas to that country in the manner referred to, in my communication of the 13th. Ult. or in any manner, which may seem to ensure certain success to the measure, you will in that case proceed, immediately, to open the negotiation of a treaty for the same. The instructions referred to you will therefore consider as revoked as well as the instructions on the same subject of the 6th July last. The principal points for discussion will be the political character in which she shall be admitted, the liquidation of her public debt, and the disposition to be made of the public domain. In reference to the first of these, you will require, that on her admission into the Union a census of her population shall be immediately taken by the government of the United States, and in the event her numbers should be sufficient to entitle her, agreeably to existing laws in that country, to a representation in the general Congress. She shall in that event become, at once, entitled to existence as a free and sovereign State of the United States, with all the rights, belonging to the other members of that confederacy, and a guarantee

for the enjoyment of all her domestic institutions. Otherwise she shall be admitted as a territory with similar guarantees and provisions for a state government, when she shall have the requisite population

In relation to the public debt of Texas, amounting, as it is supposed, to some twenty Millions of Dollars, including the unaudited claims of our citizens for services rendered, property furnished, and injuries sustained, during the war of the revolution, and for which this Government is properly bound to her citizens you will require that the same shall be assumed by the government of the United States, to be repaid to the creditors, within some fixed period, with interest not less than five per cent, or from time to time, so soon as the public lands of the Republic may be made available. It will also be necessary to require that in the event Texas shall be called upon to pay any portion of the public debt of Mexico, the responsibility of such payment shall rest upon the United States.

In relation to the public domain of Texas, you will require that all claims to lands, in Texas, held by individuals or companies, for their own use and benefit, or for colonization shall be adjudicated and settled in the speediest manner possible, and those having legal and valid ones shall be entitled to receive patents to their quotas of land, and that all private rights to real estate, or otherwise, as they exist at the time of the admission of the Republic into the American Union, shall be, and remain inviolate. After the satisfaction of all just claims, the balance remaining of the public domain shall become the property of the United States.

There are a great many points, of minor importance, which it would be necessary to provide for in a treaty of Annexation. In relation to these, instructions will be furnished you so soon as this government is advised of the fact, that the measure of annexation, is made *certain* to Texas by the action of the present Congress or Senate of the United States. In this event the President will also (should an appropriation be made for the purpose) accede to your request and send on a special Minister to act in conjunction with you in the arrangement of this important matter. In the mean time, you will ascertain the views of the government of the United States, so far as may be practicable, upon the various points submitted in this communication, and upon such others, connected with the subject, as may be likely to arise in the discussion and formation of a Treaty.

A full power will be sent you to conclude a treaty, so soon as this department is advised by you of the proper action having been taken on this subject, by the executive and coordinate branches of the Govt. of the United States.

In the event the treaty, for annexation, should not appear to have a fair prospect of success, you will urge upon the government of the United States, in your intercourse with it, the active and efficient

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A full power will be sent you to conclude a treaty, so soon as this department is advised by you of the proper action having been taken on this subject, by the executive and coordinate branches of the Govt. of the United States.

In the event the treaty, for annexation, should not appear to have a fair prospect of success, you will urge upon the government of the United States, in your intercourse with it, the active and efficient

interposition of its influence, in putting an end to the war with Mexico, and thereby ensuring to the people of both countries the advantages, to be derived to them, from our National Unity and Independence. For the more certain attainment of this desirable object, it would be very acceptable to this government, could a treaty of alliance, offensive and defensive towards Mexico be formed with it, by that of the United States. You will therefore sound the Secretary of State of the United States on this subject, and inform him of our willingness to enter into some arrangement of the kind, and inform this Department of his views, in reference to the subject, at the earliest possible period. The declarations, made by the President of the United States, in his late Annual Message to Congress, and the position taken by him, as well as the principles avowed by the Secretary of State of the United States, and the Minister, Gen. Thompson, in their late correspondence with the authorities of Mexico, would appear to suggest the alliance, now proposed, as the most proper means of giving effect to those declarations and principles, with the view of promoting the interests the United States have in the establishment of our complete independence, as connected with the commercial advantages, to be obtained, for them, through such a measure, the safety of their domestic institutions, and the continuance of Union and harmony between the different members of their confederacy. No proposition for a treaty of alliance has yet been authorized to be made to any other government, but as our negotiations with Mexico may be abruptly terminated, it becomes the duty of this Government to be prepared for such an emergency. It is, therefore, of the utmost importance that the views of the United States, on this subject, should be immediately known, and communicated by you to this Department, in order that the President, in the event of an unfavorable answer, might take prompt action, in reference to it, with some other government, whose friendly dispositions can be relied upon.

Upon the most mature deliberation and consultation with the various tribes of Indians, including the Kioways and Comanches, it has been concluded to hold a General Council with them, at the Tahuacana Creek, on the Brazos river about 25 miles above the falls, in the month of April next, at which it would be desirable to have the attendance of Col. Butler, on the part of the United States. So many objections appeared to have arisen to the Treaty being held on Red River as originally proposed by you that the President agreed to change the place of holding it as above. You will make this arrangement known to the Govt of the United States and request the attendance of their Commissioner etc., at the time and place specified. It is presumed this alteration will not be productive of any dissatis-

faction to the Government of the U. States, or serious inconvenience to Col. Butler, while it is believed that by holding the Council on the Brazos, the tribes to be pacified will be removed as much as possible from all undue and adverse influences, which the cupidity and selfishness of Indians and others residing on and near Red River, might otherwise interpose, in endangering the success of the Treaty.

* * * * *

I have the honor to be, with great respect

Your obt servant

(signed)

ANSON JONES

HOUSTON TO VAN ZANDT.^b

BROWER TO VAN ZANDT.^c

HOUSTON TO MURPHY.^d

PORTER TO UPSHUR.^e

UPSHUR TO VAN ZANDT.^f

JONES TO MURPHY.^g

MURPHY TO JONES.^g

JONES TO MURPHY.^h

MURPHY TO UPSHUR.^h

^a Here is omitted a paragraph relative to Van Zandt's salary and the expenses of the Legation.

^b January 29, 1844. See Calendar of Correspondence with the United States in Part I.

^c January 31, 1844 (extract). See Van Zandt to Jones, February 22, 1844.

^d February 3, 1844. See Correspondence with the United States in Part I.

^e February 3, 1844. See Van Zandt to Jones, February 22, 1844.

^f February 6, 1844. See Van Zandt to Jones, February 22, 1844.

^g February 14, 1844. See Calendar of Correspondence with the United States in Part I.

^h February 15, 1844. See Calendar of Correspondence with the United States in Part I.

JONES TO HENDERSON.

DEPARTMENT OF STATE
Washington [Texas] Feb. 15th 1844

SIR

It having been determined by His Excellency the President to accede to a proposition which has been made to this government by that of the United States to conclude a Treaty for the annexation of Texas to that country, and to enter into negotiations for that purpose at the city of Washington he has appointed you Special Agent of this government to conduct, in conjunction with the Hon. I. Van Zandt our present Chargé d'Affaires at that Court, those negotiations. You will receive herewith your Commission, also a letter accrediting you in this capacity, to the Secretary of State of the United States and a full power to conclude and sign with such person or persons as may be appointed and similarly accredited on the Part of the U States a Convention or Treaty in the premises.^a

Unavoidable circumstances prevent me at this time from giving you ample written instructions. Such however as may be deemed necessary will be prepared and sent to you at the City of Washington in a very few days. In the mean time, it is only requisite for me to say to you that the President places great reliance upon your skill judgment and intimate knowledge of the subject and the important interests of the country which are involved in it, and does not deem it proper therefore to confine your action within the limits which minutely special instructions impose and thereby to hazard the successful issue of your mission. You will proceed to the city of Washington with as little delay as possible, and place yourself in communication with Mr. Van Zandt, from whom you will learn the present attitude of this matter at that Court After being received in your official and diplomatic capacity by the government of the United States, you will previous to entering into the negotiation, take measures to obtain from that government, as full a guarantee as possible to the requirements of this government, as contained in my letter to Gen. W S. Murphy Chargé d Affaires of the U. S. under date of the 14th. Inst, a copy of which is herewith enclosed for your information as well as his answer and my reply thereto. So soon as you shall have recd satisfactory assurances on the main point in that letter, and which you will see has been refered by Gen. Murphy to his government for that purpose you will proceed to enter upon the negotiations for a treaty of Annexation between the two countries. Untill you shall receive the instructions refered to in the commencement of this despatch you will be governed by those heretofore given by this government to its Ministers on this subject.

^a No copies of these enclosures have been found. Henderson went to Washington City, reaching there some time before April 1. He was recalled by a letter from Houston dated May 17, and he left Washington, June 16.

It is desirable that the greatest secrecy and dispatch should be observed in the conducting this very delicate and important matter and that you should keep the government constantly advised of your progress and of every thing connected with the subject

I have the honor to be
very Respectfully
Your obt Svt

ANSON JONES

Genl J. PINCKNEY HENDERSON

Special Agent of the Republic of Texas

etc etc etc etc

JONES TO MURPHY.

DEPARTMENT OF STATE

Washington [Texas] Feb. 16th 1844

SIR

I have the honor to acknowledge the receipt of your note addressed to this Department on the 1st December last upon the subject of an alledged murder of a Choctaw Indian named Daniel Wesley said to have been committed by a white man named George Albon at the Pine Bluffs.

Upon the receipt of your note above refered to steps were immediately taken to have the cause of complaint investigated by this Government, with a view to inflicting proper punishment upon the individual charged with this outrage should it appear that he had been guilty of the same as well as for the purpose of preventing a repetition of such act on the part of any of our citizens as far as might be practicable, and I should sooner have answered your note and given you this assurance but was daily expecting your presence at the Seat of Government, an event which I regret the state of your health has untill now prevented.

The existence of the traffic in spiritous liquors by our citizens with the Indians this Government most strongly deprecates and it will use its best endeavors at all times in conjunction with the United States in preventing it upon our conterminous borders.

So soon as Mr. Albon can be arrested and brought to trial for the alledged offence the same will be done, and I beg leave to assure you that no proper efforts which this government can use will be omitted to cause this matter to be duly investigated and justice as well as prompt punishment to be inflicted upon him if found guilty

I have the honor to be with sentiments of the highest consideration and respect

Your most obedient faithful Servant

(Signed)

ANSON JONES

To Gen. W. S. MURPHY

Chargé d'Affaires of the U. S.

etc etc etc

HOUSTON TO JACKSON.^a

MURPHY TO TYLER.^b

RAYMOND TO JONES.^b

MURPHY TO DAVIS.^c

VAN ZANDT TO UPSHUR.^d

VAN ZANDT TO UPSHUR.^e

VAN ZANDT TO JONES.^f

[Despatch No. 114.]

LEGATION OF TEXAS

Washington D. C.

February 22nd 1844

HON ANSON JONES

Secretary of State

SIR,

I have the honor to enclose you a copy of a communication addressed by me to Hon A. P. Upshur, Secretary of State of the United States in reply to his of the 29th. of December, last, and of the 16th ultimo upon the subject of the outrage committed by Captain Cooke under the sanction of Major General Gaines, copies of which I have heretofore forwarded to your department. I have given this subject every attention in my power, and from all that I have been enabled to discover it is my impression (although as you perceive I maintain the contrary to this Government) that the occurrence took place within the territory of the United States. I found in the Topographical office, here, a map of the Santa Fe road, made from actual survey by order of this Government. That map shows that the territory where Major Snively was encamped was about or a short distance west of longitude 99°. What will be the result of the Court

^a February 16, 1844. See Calendar of Correspondence with the United States in Part I.

^b February 17, 1844. See Calendar of Correspondence with the United States in Part I.

^c February 19, 1844. See Calendar of Correspondence with the United States in Part I.

^d February 21, 1844 (as to Robertson's negroes). See Van Zandt to Jones, February 22, 1844.

^e February 21, 1844 (as to the Snively affair). See Van Zandt to Jones, February 22, 1844.

^f L. S.

of Inquiry of course can't be known beforehand, I have no doubt however that the whole transaction will be fully investigated.

The President of the United States, from some cause, seems disposed (for the Secretary of State informed me that what he had said was altogether by His direction) to pass over if possible the letter of General Gaines without exposing the orders which have been issued from the War Department concerning it. I think my reply will bring that matter out.* As I stated to you on a former occasion I know the order of disapproval has been issued for I read the record in the War Department. After my communication to Mr. Upshur has been examined by His Excellency Genl. Houston, if any further steps be thought necessary I hope you will advise me as early as practicable.

You will perceive that I have again urged the consideration of the complaint made in the case of the rescue of the goods from the Collector of Red River. A short time since in a conversation with the President I informed him we should require a full indemnification for the goods taken; he replied, he thought we ought to be satisfied with the payment of the duties if we could get that. I rejoined that we should expect the whole amount to be paid. I shall leave no means untried to get a decision of this matter as early as possible. The Secretary has so many engagements to attend to that it is difficult for him to devote much time to any particular subject.

I also enclose you a copy of a note received by me from Mr. Upshur, with a letter from the Secretary of War communicating the decision of his Department in the case of Dr. Robertsons' negroes; and also a copy of my reply. You will perceive that this long controversy has at length been terminated favorably. I had much difficulty with it, on account of the former decision made to my predecessor. Mr. Spencer fought against it throughout and contended for every inch of ground. I deem it unnecessary to rehearse all the objections made, suffice it to say, they first denied the true state of the facts—next, the right to demand them under the treaty, and lastly denied the force of the treaty itself. All of which I finally battled down and now have the satisfaction to give you the result. The negroes will be delivered to Dr Robertson whenever he applies to Gov Butler the Cherokee Agent. It would be well to inform him as early as possible that he may attend to it.

I send you a copy of an extract of a letter from Mr. Brower on the subject of the proceedings of the Chamber of Commerce in regard to our treaty. His effort, to secure the passage of certain resolutions and the adoption of a report upon the subject, it seems, has failed. He has since gotten up a petition on the subject which will be forwarded to the Senate.

Aside from the general disposition not to agitate that matter again at this time, it cannot have escaped your attention that the last article

of the treaty itself says that the exchange of ratification shall take place within ten months, which period has sometime since expired. To renew the action on the treaty your Representative here will have necessarily to be furnished with full powers to do so, by an additional article.

I sent you a few days ago a printed copy of the letter of Mr. Walker upon the subject of annexation, it has had a most powerful influence here and will have throughout the whole country. The question is evidently gaining friends, and great anxiety is manifested that a treaty should be made as early as possible. I regret to learn that a memorial upon annexation has been received here from all the members of our Congress, except four, who were reputed sick or absent. I have not seen the memorial or the names. The proceeding is certainly a novel one. It is considered as having been gotten up because of their distrust of the Executive and has tended to confirm the many false rumours circulated against his reputation. The impression is, that all who signed the memorial show they have a want of confidence in the head of the nation, through whom diplomatic affairs are usually conducted, such certainly could not have been their design. But whatever it may have been, the step can add nothing to our advantage, or the elevation of that confidence so essential to every nation.

With the highest
sentiments of regard I have the
honor to be
Very Respectfully
Your Obdt. Servt

ISAAC VAN ZANDT

Extract of a letter from Mr. Brower Consul of Texas at New York to Mr. Van Zandt, dated January 31st 1844.

"As soon as I perceived that Mr. Slidell from the Com. of Commerce, in the House of Repr. had reported a bill to admit Texian cotton into the U. S. free from duty, I procured an extra meeting of the Chamber of Commerce in order to take up my report on the table, which closes with a resolve to memorialize the U. S. Senate in favour of adopting, [or] rather ratifying, the Commercial Treaty negotiated between Mr. Reily and Mr. Webster.

The members of the Chamber of Commerce hold diverse views in reference to a "free trade" and "restrictive policy" which from my first movement in this matter, gave me fears of opposition. I was opposed on three grounds. First, it was objected that any consideration was due to cotton from Texas in preference to other foreign cottons which might be imported into the United States. Second, the Chamber is operating by memorial to Congress for the establishment of a "warehousing system" whereby to favour importations

^a In quoting the two phrases that follow here, the copyist should, of course, have used single points.

into this country as a transitu market, and it was objected that this might militate against that project. Finally, it was doubted whether your treaty could be ratified by the U. S. Senate in good faith with treaty stipulations between the U. S. and other countries. To the first objection, I answered, that I esteemed this a project complete in itself, that the nature of our trade with Texas made it necessary, to the preservation of that trade, that the reciprocal principles of the Treaty should be adopted. That the U. S. would receive benefits, from those principles, large and fully commensurate to any they could concede to Texas. It was for the interest of the U. S. both in her commerce and manufactures that the Treaty should be ratified, and this could not be mistaken or fairly opposed, as shown by the details of the report under consideration. I had no objection, if gentlemen wished to throw open our ports to cotton of other countries, to go with them on all proper occasions and to every extent of fair reciprocity in trade, as it never had been my belief that the "restrictive" was the best commercial policy of the U. S. But I did object to tacking to this movement any other project, not digested and which, at any time might be of doubtful propriety. To the second objection, I answered, if it could be shown in what point the warehouse bill was to be, or could be, prejudiced by this recommendation, I might find excuse for not urging my position. As appeared to me, we had to look to men of liberal views, in Congress, for the carrying of both objects—these objects had strong analogies, and those who favored the one would advocate the other, while therefore, this might aid the ware house bill, it could not in any respect impair its chances. I opposed the final objection, by saying, gentlemen cannot for a moment suppose Mr. Webster and Mr. Reily to have overlooked the first principle on which a contract is based, viz, the right of the parties to enter into it without violating faith with existing obligations between themselves and other parties; this was assuming too much. For myself, I did not doubt the U. S. had the right to grant particular privileges to a nation, which, as a consideration, gave particular and ample advantages in return. But suppose the objection well taken, our memorial could work no evil. If the U. S. Senate have their hands tied by preexisting treaties, they cannot ratify this. We do not ask them to violate faith, but to act only so far as they can conformibly to it.

I confess to you, I saw no point or force in any of the objections raised, but rather a narrow and illiberal principle operating to the prejudice of strict propriety. But the result was I lost my object by the casting vote of the President of the Chamber".

True copy of extract

CHAS. H. RAYMOND

Secty of Legation

[Next come copies of the following:^a Upshur to Van Zandt, February 6, 1844; Porter to Upshur, February 3, 1844; Van Zandt to Upshur, February 21, 1844 (two letters of the same date).]

(Mr. Van Zandt to Mr. Upshur)

LEGATION OF TEXAS

Washington D. C. Feby 21st. 1844

SIR

In reply to my note of the 14th. of September, last concerning two negroes the property of Dr J. W. Robertson of Texas which were captured by the Indians and are now in the possession of James Edwards of the Cherokee nation, I have the honor to acknowledge the receipt of your note of the 6th. instant, with the accompanying copy of a letter of the Secretary of War of the 3rd. inst, communicating to the Department of State the decision of the War Department upon that subject, from which it appears that orders have been given to the Cherokee Agent to deliver up the boys in accordance with the 33rd. Article of the treaty of 1831.

I shall hasten to communicate to my Government information of this determination, that the necessary steps may be taken to receive the negroes referred to from the Cherokee Agent.

The proper decision of this long standing question will afford much satisfaction to the Government of Texas. While it furnishes another evidence of the friendly disposition of the Government of the United States, and of its determination to fulfill in good faith its treaty stipulations, it is at the same time calculated to exercise a most salutary influence upon the border tribes of Indians, who have heretofore committed their depredations upon the defenceless settlers of Texas, and fled to the United States where they have found a market for their captives and spoils.

The Undersigned avails himself of this occasion to offer Mr. Upshur renewed assurances of his distinguished consideration.—

(signed)

ISAAC VAN ZANDT

*Chargé d'Affaires
of Texas*

To the Honorable A. P. UPSHUR

etc, etc, etc

MURPHY TO UPSHUR.^b

^a See Calendar of Correspondence with the United States in Part I.

^b February 22, 1844. See Calendar of Correspondence with the United States in Part I.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
*Washington [Texas] Feb. 24th 1844*To the Hon I VAN ZANDT
Charge d'Affaires etc etc etc

SIR,

I am in receipt of your despatches to the 20th. of January.

Congress having passed a secret act and made an appropriation of Five thousand Dollars for the purpose of sending a special agent to Washington City to act in conjunction with you in negotiating a Treaty, for the Annexation of Texas to the United States of America, The President has been pleased to appoint J. Pinckney Henderson to that office. Gen Henderson left this place last week, with instructions to proceed, without delay, to the city of Washington, to discharge the duties of his mission, accompanied by W. D. Miller, Esq. as Secretary to the secret Legation. A copy of the instructions given to Gen. Henderson for the governance of both you and himself, and also of the correspondence between the State Department and Gen. Murphy, Chargé d'Affaires of the U States, on the subject of Annexation as also a full power to you, in conjunction with the special agent, to conclude and sign a treaty in the premises, were forwarded you by Mr. Miller, who will probably be at Washington by the time this despatch is received.

I have the honor to be with the highest respect

Your Ob Svt

(Signed) ANSON JONES

JONES TO HENDERSON AND VAN ZANDT.

DEPT OF STATE
Washington [Texas] Feb. 25th. 1844

GENTLEMEN,

The President having duly empowered you, under circumstances and considerations which have already been specified to open negotiations for a Treaty of Annexation with the United States of America, you will proceed in conjunction in effecting a Treaty for the same, taking as the basis of your action the instructions given by the Secretary of State, the Hon. S. F. Austin, to our Minister at Washington in 1836,^a and those furnished to you respectively by myself on the 27th of January Ulto. and 15th. of Feb. Inst.

^a November 18. See correspondence with the United States, Part I, 135-140.

These instructions are deemed sufficiently ample for your direction and upon mature reflection more minute ones are deemed unnecessary. The President relies upon your intimate knowledge of the interests of this country and the wishes of its government to meet any point which may arise in the discussion of the subject with the authorities of the United States, and not embraced in the instructions already given as above referred to. There are two points however not embraced in those instructions to which your attention will be directed

The first is, The number of States, into which the territory of Texas shall be subdivided. It is presumable that in the settlements already made there is a sufficient population to constitute one State, according to the requirements of the Federal Constitution and that the remaining territory of the Republic is sufficiently large to constitute three more at a future period. You will therefore provide in the Treaty for the ultimate creation of at least four States, and for their admission into the Union, so soon as the population of the respective territories of which they are to be composed shall be sufficient for that purpose,—and in the mean time that territorial governments shall be established and maintained as circumstances and the wants of the people residing in those limits respectively may render proper and necessary

The second point is the disposition of the Navy of Texas. In relation to this you will provide that all the national vessels shall become the property of the United States and that its government shall pay to the builders of the vessels the price of the same agreeably to contract with a reasonable interest on the amount.

The limits of Texas being defined by act of Congress, you will be governed by that act in specifying its boundaries.

I have the honor to be
with the highest respect
Your obt Svt

Signed

ANSON JONES

To Messors J. PINCKNEY HENDERSON
and ISAAC VAN ZANDT Esquires

VAN ZANDT TO JONES.^a

ALLEN TO WALKER.^b

^a February 27, 1844. See Calendar of Correspondence with the United States in Part I.

^b March 1, 1844. See Calendar of Correspondence with the United States in Part I.

VAN ZANDT TO JONES.^a

Dispatch No. 115.

LEGATION OF TEXAS

Washington D. C.

March 5th. 1844

Hon ANSON JONES

Secretary of State

SIR

Your dispatch of the 27th of January, last, has been received and its contents noted. Intelligence will have reached you in advance of this of the deaths of Mr. Upshur, Secretary of State, and of Mr. Gilmer Secretary of the Navy. This lamentable dispensation of Providence has cast an unusual gloom over all. The loss of two such distinguished men at this great crisis must be severely felt—Felt not only by this country; but our own. Both were ardent and devoted friends of our cause—ready and willing to do every thing consistent with the high principles of honor and patriotism, that might be calculated to advance our interest and promote our welfare. For some days previous to Mr. Upshur's death we had been engaged in discussing the terms of a treaty of annexation and had agreed upon all the main points, subject, however, to any changes which might be made necessary upon the receipt of further instructions from your Department. I had given to him for examination an outline of the points which would be required to be included; and he had submitted to me a similar draft, in his own handwriting, embracing his views, which corresponded fully with my own in every main particular. In this situation I was awaiting a reply to my last communication on this subject. Had instructions arrived to authorize me to consummate it, the treaty could have been concluded in half a day. Who may be called to the State Department is yet uncertain. I fear it will not again be so well filled. So far as the question of annexation is concerned I feel well assured no one will be appointed who will be so well suited to carry out the measure as Judge Upshur was. He had fully investigated it in all its bearings and knew the opinions, the prejudices, and inclinations of the Senate in regard to it. His great strength of intellect, his indomitable energy, nerve and decision of character combined with an amiable disposition that secured the love and respect of all parties, fitted him beyond any other man for this great task.

In compliance with your last instructions I indicated to Mr. Upshur the desire of our Government to conclude a treaty of alliance in the event that no assurance was given by Congress or the Senate before

hand that a treaty of annexation would be ratified. He replied that such a treaty could not be concluded, that it would be against the long settled and established policy of the United States, and that the only way in which this Government under present circumstances could become a party *with us* was by annexation, which he had proposed through the constitutional channel of the treaty making power. If the object contemplated by you is really to conclude a treaty of alliance with the President of the United States after declining to accept his proposition of annexation, I am at a loss to determine the reason of the choice of this policy. To conclude a treaty of alliance with the United States would give as great offence to Great Britain and France as a treaty of annexation, and such a treaty would certainly stand a less chance of ratification in the Senate of the United States, for it would involve this Government in all the responsibilities which annexation would, and yet secure to it none of its great advantages.

Although in your instructions to me you say it is not the desire of our Government that the claim for the two negroes of Dr. Robertson should be any further pressed by me at present, yet I have no doubt you will be satisfied to learn that contrary to your expectations I have succeeded in obtaining an order for their delivery, the particular circumstances attending which are detailed in my last dispatch.

Since writing the foregoing this morning, I have had an interview with the President. He informed me that on yesterday he received a dispatch from Genl. Murphy in which it was stated that Genl. Henderson had been appointed to act with me in the formation of a treaty of annexation, who would bring with him full powers for that purpose. The President stated he was very desirous to have the treaty concluded at once and by Mr. Nelson the Attorney General, who is Secretary of State adinterim, that he preferred he should do it instead of the gentlemen to whom he intended to offer the permanent appointment, and that as Mr. Upshur and myself had already commenced the treaty he hoped I would proceed at once to arrange the matter with Mr. Nelson so that the treaty might be ready to be signed by General Henderson upon his arrival should it meet his concurrence. Having received your instructions upon the principal points to be embraced in the treaty and having already taken some steps in the matter, and believing that every delay should be avoided, I shall proceed to the discussion with Mr. Nelson in order that it may be concluded at the earliest day possible after the arrival of Genl. Henderson

With the highest
regard I have the honor to be
Most Respectfully
Your Obedt. Servt.

ISAAC VAN ZANDT

JONES TO TAYLOR.^a

NELSON TO MURPHY.^b

JACKSON TO ———^b

VAN ZANDT TO JONES.^c

Dispatch No. 116.

LEGATION OF TEXAS

Washington D. C.

March 20th 1844

HON ANSON JONES *etc etc etc*

SIR Near three weeks ago Despatches were received by this Government from Genl. Murphy stating that my despatches resubmitting the question of annexation to our Government had been received by you and my recommendations adopted by the President.

On the 9th Inst Capt Tod returned here but brought me not a single line from your Department nor up to the present moment have I any communication in reply to mine before alluded to. Letters have been received in Baltimore from Houston and published more than a week ago stating that Genl Henderson had been appointed a *special minister and Plen. and En. Exy.* to conclude a treaty of annexation with other particulars of an alledged secret act of Congress etc This information has aroused the whole opposition and who now daily pour forth the vials of its wrath upon the contemplated treaty Why all these matters should be communicated to Genl Murphy and otherwise made public in Texas and to be heralded throughout this country by the newspapers and yet I receive no information from your Department concerning it, is most remarkable.

On the 19th ultimo Genl Henderson wrote me hastily from Galveston that he was coming but did not mention the particulars. I have not heard of or from him since that time

The delay which has attended the action on this matter has had an injurious tendency. Our friends here, in New York and else where urge the importance of an early action if an action is contemplated at all. In a letter I received from Mr Brower last night he laments the delay which has occurred and fears its consequences, but concludes by saying he "doubts not" "it were well done if done quickly"

Four of the New York papers are out in favor of annexation, viz. The "Herald" "The Republic" The "Courier and Enquirer" and the

^a March 11, 1844. See Van Zandt to Jones, August 16, 1844.

^b March 11, 1844. See Calendar of Correspondence with the United States in Part I.

^c L. S.

Journal of Commerce. Mr. Winthrop of Massachusetts asked to have suspended the rules to enable him to offer a resolution in the House of Representatives against the annexation of Texas which was refused Ays 40 Nays 122 which is considered a test vote.

Mr Calhoun accepts the appointment of Sec of State, and will be here in a day or two.

I await with great anxiety the arrival of Genl Henderson which it is to be hoped will be soon.

Very Respectfully

Yours

I. VAN ZANDT

VAN ZANDT TO JONES.^a

No 117

LEGATION OF TEXAS

Washington D C

March 22nd 1844

Hon ANSON JONES

etc etc etc

DEAR SIR

I have just received your two communications of the 24th and 25th ultimo.

Since the date of my last letter nothing of importance has transpired in relation to our affairs. Genl Henderson has not yet arrived, nor have I received any information from him. On yesterday I received a letter from Mr W D Miller dated at Nashville on the 10th Inst. He expected to proceed the next day to Genl Jacksons where he would remain a few days and then continue his journey to this place.

Most respectfully

Yours

I. VAN ZANDT

P. S. I have appended a paragraph from a New York paper which may be of interest to you^b

VAN ZANDT TO JONES.^c

Dispatch No. 118

LEGATION OF TEXAS

Washington D. C.

March 25, 1844

Hon ANSON JONES

Secretary of State

SIR:

Mr. W. D. Miller reached here at 9 oclock last night from whom I have received your additional instructions upon the subject of annexa-

^a A. L. S.

^b The clipping—or transcript—is not now with the letter.

^c L. S.

tion together with the proper full power to act in the matter. I have fully discussed with the Secretary of State all the points, of the treaty, embraced in your instructions, and they have all been satisfactorily arranged ready to be submitted to Genl. Henderson for his joint approval whenever he comes. I regret much his delay and begin to fear that some accident has befallen him. Mr. Miller waited three days and a half for him at Louisville, and left without hearing a word from him.

A great effort is making to lay the treaty over if it is made, and if the action is much longer delayed the effort will succeed I fear.

The substance of the whole negotiation has by some means become public, Genl. Henderson's appointment, secret act of Congress and all. Letters are daily coming to persons here from Texas, the writers of which seem to understand the whole matter. Whom we should blame for this, is difficult to tell. Let it be whom it may it is nevertheless a matter of infinite regret.

Most respectfully

Your Obedt Servt

ISAAC VAN ZANDT

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Washington [Texas,] March 26th 1844

HON. I. VAN ZANDT

Charge d'affaires of the Rep of Texas

etc etc etc

SIR,

Your despatches of the 22d Ult. and 5th. Inst. have been received as also a private letter of the 27th Ult. announcing to [the] dreadful calamity on board the Princeton, the death of the Secretaries Ups[h]ur and Gilmer and others

Your despatches are entirely satisfactory and the course you have pursued in the matters committed to your charge is fully approved by the President. The dispositions evinced by the United States government to render us justice for the wrongs committed by her officers and citizens are very gratifying and I confidently trust will lead to a satisfactory adjustment of the complaints made to it by this government.

* * * * *

Enclosed herewith I send you a copy of a *proposed* Armistice which has been signed by our Commissioners at Sabinas.^b These were to have left Matamoros early in the present month for this place and are now daily expected here. The terms, of this agreement are by no means favorable or satisfactory to this government, and appear to

^a Here is omitted a paragraph relative to Van Zandt's salary.

^b See Neill to Jones, March 10, 1844, in Correspondence with Mexico.

indicate that the Mexican government are determined not to recognize the independence of Texas I presume the apprehension of the annexation of this country to the U. States and the recent movements on this subject has had its influence with the authorities of Mexico in determining its present course. The President will scarcely deem it proper to send Commissioners to the City of Mexico, and indeed the time allowed them to arrive there and conclude their negotiations (1st of May next) renders the matter almost absolutely impracticable.

Enclosed herewith I also send you a letter just received from Capt. Charles Elliot H. B. Majestys Chargé d'Affaires to this government asking certain explanations of this government on the subject of Gen. Henderson's Mission, and the annexation of Texas to the U States with my reply thereto.^a

All the above documents are forwarded for the information of yourself and Gen. Henderson and for such use as you both may think proper to make of the same, in connexion with your negotiations for a treaty of annexation, the successful accomplishment of which has now become more desireable and necessary to the welfare of Texas than ever. And in connection with this subject the President directs me to say to you and Gen. Henderson if you are unable to conclude a Treaty for Annexation within the limits of the instructions already given by this Department you and he are in that case vested with discretionary powers to conclude said Treaty upon the best terms possible to be attained if in your good judgments those terms are admissible and to bring your negotiations on this subject to a conclusion with all convenient despatch.

Your will please keep Mr. A. Smith our chargé to France and England advised of the progress of your negotiations.

I have to the honor to remain

with the highest respect

Your Most obedient Svt.

(signed)

ANSON JONES

HENDERSON TO JONES.^b

VAN ZANDT TO CALHOUN.^c

TAYLOR TO THE ADJUTANT GENERAL OF THE ARMY [JONES].^d

^a See correspondence with Great Britain. The date of Elliot's is March 22, 1844, and that of the reply, March 25, 1844.

^b March 30, 1844. See Calendar of Correspondence with the United States in Part I.

^c April 1, 1844. Van Zandt and Henderson to Jones, April 12, 1844.

^d April 2, 1844. See Van Zandt to Jones, August 16, 1844.

MURPHY TO JONES.^a

JONES TO VAN ZANDT.

DEPARTMENT OF STATE
Washington [Texas] April 6th 1844

To the Hon. I. VAN ZANDT

*Chargé d'affaires of Texas**etc etc etc*

SIR,

I have the honor to acknowledge the receipt of your despatch (No 116) under date of the 20th. Ultó. The despatches from this department in answer to those from you duplicates of which were brought by Capt Tod, were forwarded by Gen Henderson and others by Mr. W D. Miller, the first named gentlemen having left here previous to the arrival of Capt. Tod, and the latter starting in company with him. The President having informed me that he had addressed you a private communication by Capt. Tod, and knowing no definite and conclusive action could be had by you in reference to the Treaty of annexation untill the arrival of Gen. Henderson, and also believing that he would be with you as soon as Capt. Tod, I did not think it necessary to forward any despatches or duplicates by that Gentleman. I regret the delay of Messrs Henderson and Miller, (but presume it to have been in consequence of causes over which they had no control,) and also the State of unpleasant suspense in which you have been kept in consequence of the non-reception of my dispatches. Long before this I trust Gen. Henderson with Mr. Miller will have arrived at Washington, from whom as well as from the documents they bore, you will have recieved such information as will no doubt satisfy you the Department has had no intention to neglect the interesting matter in which Texas and the United States are now engaged or anything which might ensure its prompt and favorable issue

I should have written you much more at length on the occasion of the departure of Gen. Henderson Mr Miller and by Capt. Tod, but deemed it unnecessary, as the information which those Gentlemen could give you I presumed would be more satisfactory and more full than any communication which I had time to write.

The appointment of Gen. Henderson the objects of his Mission, and the secret act of Congress in relation to the subject of annexation, have never "been made public in Texas" (as you appear to think is the case) by the authority of this Government, or communicated except to those the performance of whose duties required they should have the information. Gen. Murphy was one in this

^a April 4, 1844. See Calendar of Correspondence with the United States in Part I.

situation. The various statements in newspapers and the averments of letter writers to which you allude have been wholly gratuitous and unauthorized by this Department, and although I may very much deplore the ill consequences which such publications and statements may have, they appear to be evils inseparable from the perfect freedom of our institutions. At least this Department cannot willingly be made responsible for such things. The "vials of the opposition" in the United States are full of wrath I presume, and that they will "pour them out" in good time is very probable and equally so whether my despatches reach you in due time or are delayed on the road from some casual or unavoidable circumstances.

My last despatches to you were of the dates of the 25th Feb. and 26th. Ult. the former containing the final instructions to yourself and Gen Henderson in reference to the Treaty of annexation; the latter transmitting you a copy of the Armistice concluded at Sabinas, and of certain correspondence between this Department and Capt C. Elliot H. B. Ms Chargé d'Affaires, and also vesting yourself and Gen Henderson with discretionary powers to conclude the Treaty for Annexation, upon the most favorable terms practicable, provided in your good judgements those terms were admissible etc. etc. Since the date of this last despatch nothing of public interest has occurred at this place and no further instructions at present are deemed necessary.

I have the honor to be
with the highest respect
Your ob svt

(Signed) ANSON JONES

HOUSTON TO JONES.^a

CALHOUN TO VAN ZANDT AND HENDERSON.^b

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Washington [Texas,] April 12th. 1844

Hon. ISAAC VAN ZANDT

Chargé d'Affaires of the Republic of Texas

etc etc etc

SIR,

I have the honor to enclose herewith for the information of yourself and Gen. Henderson a copy of a despatch just received at this

^a April 6, 1844. See Calendar of Correspondence with the United States in Part I.

^b April 11, 1844. See Van Zandt and Henderson to Jones, April 12, 1844.

Department from Capt. Charles Elliot H. B. Majesty's Chargé d'Affaires near this Government in reply to one addressed him by me on the 25th. Ulto. a copy of which had already been sent you.^a I have not yet replied to this communication, but so soon as the President who is now absent returns will do so, when I will forward you a copy of the reply.

The last communication from you was of the date of March 20th. I am anxiously waiting to hear of Gen. Henderson's arrival, at Washington City and what progress has been made with the Treaty for annexation.

I have the honor to be
with great respect
Your most obt. Svt

ANSON JONES.

VAN ZANDT AND HENDERSON TO JONES.^b

[Despatch No. 119.]

TEXIAN LEGATION,
Washington City, April 12th, 1844.

To the Hon. ANSON JONES,
SIR,

We have the honor herewith to transmit to you, a copy of the treaty which we have this day signed, with Mr. Calhoun, the Secretary of State of the United States.^c We do this hastily, as this Government will, on Sunday, despatch an express to Texas to convey this and other important intelligence to our Government.

The treaty we have agreed upon, you will readily see, is not precisely such an one as we expected to make or had a right to wish. But, after consulting the wishes and views of all parties concerned, we agreed to it as the best we could frame with the prospect of its ratification by the Senate of the United States. Had we been left to consult the wishes and disposition of the President and Cabinet of the United States, we could and would have concluded a treaty much more favorable to Texas than the one we have signed. But such was not the case. We have been compelled to consult the views and wishes of the two great leading parties in the United States—avoiding on the one hand the very liberal terms which the Southern politicians would have been willing to grant us and the restrictions which the North would wish to impose.

^a Elliot's letter is dated April 3, 1844, and relates to the proposed armistice with Mexico. For both see Correspondence with Great Britain.

^b L. S.

^c See U. S. Pub. Docs., 444, Doc. 271, pp. 5-8; *Niles' Register*, LXVI., 149; *New York Evening Post* for April 26, 1844; *Telegraph and Texas Register* for May 15, 1844.

Texas has in this case consulted, through her agents here, as far as she could understand and reconcile them, the wishes of all parties in the United States. Upon examination, reflection and consultation, we concluded that the best mode of our admission was as a Territory. Consequently, we did not hesitate to agree to come into the United States in that way. By the terms of the treaty, you will see that we have the right to claim the preservation of all of our property as secured by our domestic institutions as well as to claim admission into the Union as a state or states, under the provisions of the Federal constitution of the United States

We have felt ourselves obliged to avoid any allusion, directly, either to slavery or boundary, leaving the one to the future negotiations of this Government, and the other to be governed by that clause of the treaty which secures to us the right of property, etc., which we understand to include our right to slaves, as the constitution of the United States recognizes that species of property. Indeed, we have, as nearly as we could, followed the language of the treaties ceding Louisiana and Florida to the United States, in order that those precedents might be referred to, to justify the language used in the present treaty. The manner in which our present debt is to be paid, too, did not entirely meet our sanction; especially as there is no distinction made by the treaty between debts due to speculators and the debts due to our own citizens, for civil, military and naval service, or to persons who generously furnished money and supplies for our army and navy when we most needed them. But it was deemed best to accede to the terms agreed upon, in order to obviate objections. The only inquiry with us was: What will the Senate of the United States agree to? and not, What can we get from the Executive of the United States? We very much wished to have this Government pay the dues to our army, navy, civil officers, etc., but we feared the consequences of such a provision; and therefore we agreed to the terms inserted in the treaty on that subject. The additional excuse is, that our people will be in a great degree repaid by the additional security given to them by the contemplated annexation.

We fear, too, that the President expected us to make better provisions for Texas on the subject of public schools, internal improvements, etc., etc; but we are sure that he would have been well satisfied of the impropriety of inserting any better terms, had he been present here.

You will herewith receive the reply of Mr. Calhoun, made at our request, to a note addressed by your undersigned representative, I. Van Zandt, to Judge Upshur, upon the subject of the assurance of protection to Texas by the United States, during the pendency of the

treaty negotiations. We have no doubt that the President of the United States will act on this subject in a way that will fully meet the views and wishes of the President of Texas. We have strong assurances of this. The main body of the army designed for the protection of Texas, we have agreed, shall be concentrated and stationed at Fort Jesup. Those already at Fort Towson, New Orleans, and other places, near Texas, will remain where they now are; and it is understood and agreed that the President of Texas shall at once open communications with the commanding officers at each station, so as to give them the earliest possible news of any hostile demonstrations on the part of Mexico. The Secretary of State of the United States will superintend the issuance of orders to the different officers in command at the several stations above alluded to; which instructions we are assured will be such as to meet the wishes of our Government fully.

As it is not certain that the Senate of the United States will ratify the treaty which we have signed, the President of the United States assured us, before we agreed to sign and submit it, that he would, immediately upon its rejection by that body, should it be so disposed of, send to both Houses of Congress a message, recommending to them, in the strongest terms, the passage of a law annexing Texas as a state, under that provision of the constitution of this Government, which authorizes Congress to admit new states into the Union. The history of the debates and proceedings of the convention which framed that constitution prove beyond doubt that Congress has such power. And it is confidently believed by the friends of Texas in the Congress of the United States, that such a law can be passed. It was under this view of the case that we agreed to frame the treaty and submit it to the Senate of the United States, under such doubtful chances for its ratification by that body, believing that this course will be fully approved by the President of Texas.

You will observe that we have fixed the time in which the exchange of the ratification of the treaty is to be made, at six months, which will render it necessary for the Senate of the United States to act definitely on it during the present session of Congress, and not leave them at liberty to delay that action until next winter, which many of the Senators wish to do, and probably would do, if the time given by the treaty permitted it. We would respectfully suggest to you and through you to the President, the propriety of delaying any action on the part of our Senate, until after the treaty shall have been ratified on the part of the Senate of the United State, as there is some doubt of its ratification here.

The assurance has been given to us by Mr. Calhoun, verbally, which we reduced to writing in his presence and by his consent and

then read them [*sic*] over to him. They are as follows, to wit: A powerful naval force, to consist of ten or twelve vessels, will be ordered to the gulf of Mexico, the commander of which, Capt. Conner, will, upon any serious demonstration being made by water by Mexico against Texas, inform the Mexican commander that any attack upon Texas will be considered as a hostile act, and the Executive will feel himself bound to use every means to repel it—that the old division as established by Mr. Calhoun as Secretary of War, extending from Florida Point to the Southern extremity of Lake Michigan, has been restored, and Gen. Gaines been put in command of the Western Division and ordered to take up his head quarters at Fort Jesup, who will receive similar orders as to any demonstration by land, to those given to the naval commander as to a demonstration by sea, and that he and the Chargé d’Affaires will keep up an active correspondence with the President of Texas; and if they should receive any communication from him, which he conceives threatens any serious intention upon the part of Mexico to invade Texas by land, they or either of them shall forthwith despatch the same to Washington City, by express—that the President will in that event send a message to Congress, informing them of the fact, and request Congress to adopt, as speedily as possible, such measures as may be necessary for the defence of Texas; and if the emergency should require it, to say in his message that he would in the meantime consider it his duty to defend Texas against aggression, and will accordingly do so.

In addition to the above, we received the accompanying answer from Mr. Calhoun to the communication above alluded to; which is communicated confidentially.

Mr. Calhoun expressed to us the wish of the President of the United States, that we should inform the President of Texas that it is his desire that Texas shall herself repel any light attempt on the part of Mexico to make war upon her frontier, and not call on the United States to render the promised aid unless the demonstration made by Mexico should be such as Texas could not easily repel. This we promised to do, and at the same time assured Mr. Calhoun, that the wishes of the President of the United States would be complied with by the President of Texas.

Much more passed between Mr. Calhoun and ourselves on this subject, calculated to assure us that everything would be done by the United States to protect Texas from the aggressions of Mexico, but which we cannot now mention.

Gen. Gaines will soon be at Fort Jesup, ready to receive any intelligence which the President of Texas may have to communicate in regard to the movements of Mexico, and to move into Texas at any

time, by the permission of the President of Texas, when it may be deemed advisable.

We have the honor to be
your obt. servts.,

ISAAC VAN ZANDT
J PINCKNEY HENDERSON

P. S.

That portion of the foregoing despatch which is obliterated was done by the request of Mr Calhoun upon the same being read to him by us.^a

I. V. Z.
J. P. H.

[Next come copies of the following: Van Zandt to Calhoun, April 1, 1844, asking an interview to present the credentials of Special Agent Henderson, who has been sent to cooperate with Van Zandt in negotiating for annexation; Van Zandt to Upshur, January 17, 1844;^b Calhoun to Van Zandt and Henderson, April 11, 1844.]

MURPHY TO JONES.^c

MURPHY TO SECRETARY OF STATE [CALHOUN].^d

HOUSTON TO JONES.^e

VAN ZANDT AND HENDERSON TO CALHOUN.^f

HOUSTON TO HENDERSON AND VAN ZANDT.^g

[The fragment of this letter omitted in printing it is as follows:]

A diplomatic agent may eat and sleep enough for health, and may drink generously with the Diplomatic Agents of other countries,

^a The part marked out is the first part of the paragraph following that which ends with the words "its ratification here." It runs as follows:

"Since writing the above we have had an interview with Mr. Calhoun, at his request, during which he informed us that the President of the United States had directed him to make a more full verbal assurance in regard to the required protection that his Government would grant to Texas the protection required than he would like to make in writing; and as the reasons he assigned were satisfactory, we concurred in his views in that regard. In addition to the foregoing the assurance has been given," etc.

^b For this letter and the next, see Calendar of Correspondence with the United States in Part I.

^c April 12, 1844. See Calendar of Correspondence with the United States in Part I.

^d April 14, 1844. See Calendar of Correspondence with the United States in Part I.

^e April 15, 1844. See Calendar of Correspondence with the United States in Part I.

^f April 16, 1844. See Calendar of Correspondence with the United States in Part I. A transcript is in the Records of Department of State (Texas), Book 44, pp. 206-208.

provided, he can induce them to take *two* glasses to his *one*. Men are fond to be thought knowing, as well as wise, and when listened to with attention, frequently impart knowledge. You can instruct much, by the course intimated.

AGREEMENT OF DASHIELL WITH EDDY AND MOSS.^a

MURPHY TO JONES.^b

HOUSTON TO JONES.^c

COMPLAINT OF EDDY AND OTHERS AGAINST THE COLLECTOR AT
SABINE PASS [DASHIELL.]^d

PROCEEDINGS OF COURT OF INQUIRY IN CASE OF COOKE.^e

WILKINS TO CALHOUN.^f

RAYMOND TO JONES.^g

PEYTON TO CUCULLU.^h

CUCULLU TO SPENCER.^h

HOUSTON TO VAN ZANDT AND HENDERSON.ⁱ

HOUSTON *29th. April 1844.*

To Hon. ISAAC VAN ZANDT
and Genl. J. P. HENDERSON

GENTLEMEN,

Last night I received the Treaty by Express, and the despatches accompanying it. They were all perused with intense solicitude. I

^a April 17, 1844. See Donelson to Jones, December 2, 1844.

^b April 17, 1844. See Calendar of Correspondence with the United States in Part I.

^c April 20, 1844. See Calendar of Correspondence with the United States in Part I.

^d April 23, 1844. See Donelson to Jones, December 2, 1844.

^e April 24, 1844 (extract). See Van Zandt to Jones, August 16, 1844.

^f April 24, 1844. See Van Zandt to Jones, August 16, 1844.

^g April 24, 1844. See Calendar of Correspondence with the United States in Part I.

^h April 26, 1844. See Donelson to Jones, December 2, 1844.

ⁱ See Records of Department of State (Texas), Book 44, p. 208.

read the note of Mr. Van Zandt to Mr. Upshur, dated January ^a last, and the reply of Mr. Calhoun to that note. ^b It does not embrace the guarantee as fully as was contemplated. If annexation should fail for a want of action on the part of the U. S., we are without any security against the consequences which may result to Texas, in consequence of opening negotiations upon the subject of annexation. Their obligations continue during the pendency of the negotiations. If negotiation fails, our file is uncovered, the enemy may charge through our ranks, and we have no reserve to march up to our rescue. It seems to me that after the arrival of Genl. Henderson, a direct application should have been made to the Govt. of the U. S. in accordance with the agreement between the Secretary of State and Genl. Murphy, their fully accredited agent. However this has not been done. 'Tis well enough, we cannot go back, and therefore we must march forward with decisive steps.

The Treaty is well in this respect, that Texas is to become a territory of the U. S. if annexed. It cannot be ascertained that we have the ratio of population required to entitle us to be represented in the Congress of the U. S. as a State. We have no Constitution to present to the Govt. of the U. States in conformity with the Federal Constitution. And I would be extremely sorry if we have to become a part of the U. S. that the sacred principles of that instrument should ever be perverted to *expediency*, for I maintain that great principles are always in danger of subversion from that licentious and profligate political plea. Statesmen will never call it to their aid. Politicians and Demagogues will always carp upon it.

I have felt and yet feel great solicitude for our fate. The crisis to Texas is everything. To the U. S. it is worth its Union. My toil has constantly been for the freedom and happiness of mankind, and if we are annexed, I shall hope we have accomplished much, but if from any cause, we should be rejected, we must redouble our energies, and the accompanying duplicate will express to you decisively what my purposes are. Texas can become Sovereign and independent, founded upon her own incalculable advantages of situation, and sustained by European influences without the slightest compromittal to her nationality. If the present measure of Annexation should fail entirely, and we are to be thrown back upon our own resources, fix your eye steadily on the salvation of Texas, and pursue the course which I have indicated. I again declare to you that every day which passes only convinces me more clearly that it is the last effort at Annexation that Texas will ever make, nor do I believe that any solicitation or guarantee from the U. S. would at any future day induce her to consent to the measure.

^a 17th.^b April 11.

The most careful attention will be rendered to the armament proposed by the Govt. of the U. S. and direct communication maintained with the Representative, Genl. Murphy, with whom I am highly satisfied. This Govt. will be as careful not to permit slight grounds to produce alarm, or call in acquisition their forces, as though it had to rely upon its own resources to repel an invading enemy.

It is possible that the publications respecting the armistice may have produced some effect in Washington: therefore, it is fit that you should understand the subject explicitly.

In the instructions to our Commissioners they were assured that no agreement would have a binding effect until it was referred to the President, and had his approval. That approval never has been given to it. Nor has any action been taken in conformity with its stipulations. One reason was allsufficient to cause its rejection. Referring to Texas as a Department of Mexico, precluded all possibility of any official transactions under it.

The Commissioners were excusable, because by signing it they obtained a safe convoy out of the country, which might not have been the case if they had refused their assent to the conditions. They were both well acquainted with Mexican faith and Mexican perfidy, and would have been unwise to place any confidence in their pledges, when interest might have induced their violation.

This despatch is written because several days would elapse before an express could reach Washington and return. It would at least delay communications a fortnight. Therefore as the business is important I do not care about official formality, the substance is what I am now after, and for that reason I write.

I have the honor to be, Gentlemen,

Your Very Obt. Servt.

SAM HOUSTON.

HOUSTON TO JONES.^a

MURPHY TO CALHOUN.^a

NORTON TO CALHOUN.^a

JONES TO VAN ZANDT AND HENDERSON.

DEPARTMENT OF STATE

Washington [Texas,] May 2d 1844

GENTLEMEN,

The "Armistice" so called signed by Commissioners of this Government and those of Mexico having been published it has been thought

^a April 29, 1844. See Calendar of Correspondence with the United States in Part I.

expedient, to furnish you with the enclosed documents, in order that you may be better enabled to meet and obviate any difficulties which might be thrown in the way of a ratification of the Treaty lately concluded by you, in consequence of such publication. In my despatch of the 25th of March ^a enclosing you a copy of the proposed Armistice I explained "that it was only understood as a *proposal*, by our commissioners, and that the President had not thought proper to accede to it". It was promptly rejected.

By the enclosed copies of instructions given to our Commissioners ^b you will perceive they had in fact no authority to agree to any stipulations acknowledging the sovereignty of Mexico or that Texas was to be viewed as a "Department" of that country. On the contrary her entire and absolute independence was to be in no manner affected by any arrangement which our commissioners had power to make.

The enclosed copy of the Draft of an armistice ^c which with the exception of a single point was agreed upon by the Commissioners of the two countries, and the conclusion of which was prevented in consequence of the steps taken by the United States in relation to annexation, will give you all the further information necessary to place the subject in its proper light before the Govt of the United States.

I have the honor to be
Gentlemen
with the highest respect
your most obt Svt

Signed ANSON JONES

To the

Hon. ISAAC VAN ZANDT
and

The Hon. J. PINCKNEY HENDERSON

Ministers of Texas to the U. S.

etc etc etc

Washington.

CALHOUN TO PRESIDENT OF UNITED STATES [TYLER].^d

HOUSTON TO MURPHY.^e

HOUSTON TO JONES.^f

^a The 26th.

^b These instructions have not been found.

^c See Calendar.

^d May 2, 1844. See Calendar of Correspondence with the United States in Part I.

^e May 6, 1844. See Calendar of Correspondence with the United States in Part I.

^f May 9, 1844. See Calendar of Correspondence with the United States in Part I.

HOUSTON TO VAN ZANDT AND HENDERSON.^aCITY OF HOUSTON, *May 10th. 1844.*

MESSRS. I VAN ZANDT

and

J. PINCKNEY HENDERSON

etc. etc. etc.

GENTLEMEN,

I had contemplated the arrival of Dr. Jones here before this time, but he has written to me that he was quite indisposed, and not able to come.

This point being more convenient than any other in Texas for the conducting of a correspondence abroad,—I have preferred it, until our matters have assumed some definite shape, and the question of annexation decided. By this time, I presume it is ascertained what will be the result.

The U. S. Steam vessel Poinset touched at Galveston on its way to Vera Cruz, and through Genl. Murphy I received some unofficial intelligence. Rumor says that the object of Mr. Thompson's visit to Mexico, is to settle definitively the boundary line between the two countries, and that the U. S. is about to acquire a large portion of the Californias, and settle the boundary of Texas to suit themselves.

I learn unofficially from Corpus Christi, by rumor, that some 8 or 10 Mexican Soldiers have been killed at that place, who came in for the purpose of suppressing smuggling into Mexico, from that point. Thus you see our people must be doing some little mischief. We must always enjoy some agreeable excitement, or things will not go very well.

You will find that the Sec'y of State has addressed a despatch to the Legation at Washington, touching the subject of the Armistice,^b which I took the liberty of opening, and find with pleasure that it contains the intelligence that was proper for you to have at this time. I did not deem it necessary to take any action upon the agreements signed by our Coms. further than to reject it silently. I suppose that Santa Anna would calculate, as a matter of course, that some action would take place under it, and consequently, that we would gain time by silence. You will perceive from the instructions given to our Coms. that I had never changed my principles or opinions in relation to Texas, since 1836. I then made the first suggestion in relation to its boundary as an Independency, that ever had been made, and for your information I transmit to you a paper, containing a letter of mine on the subject to Genl. Rusk, then Sec'y of War, after the Battle of San Jacinto,^c which if you should think

^a See Records of Department of State (Texas), Book 44, p. 211.

^b Dated May 2.

^c Neither the paper containing this letter nor any copy of the letter itself has been found.

proper, as it might have some influence in settling the public mind in relation to some points embraced in it, you can have republished. Had the advice which it contains been carried out, another blow would never have been struck, or a gun fired by the enemy in Texas.

I take the liberty of enclosing to you a copy of a letter addressed to Genl. Murphy some days since.^a It was private, and when I commenced it, I had no expectation of making more than an ordinary friendly note. The boat leaving before I was aware of it, induced me to extend it to the capacity of a letter of some length; and I thought it probable that he might upon reflection, forward it to his Govt. It contains some speculations which might have more or less influence on the subject of annexation. The Statesmen of the United States doubtless have viewed the subject in all its bearings, and will not derive any light from suggestions of mine. I desire to keep you advised of everything, no matter how unimportant it may seem, generally.

If further negotiations have to take place with the Govt. of the U. S., from the cramped condition of our means, it will be proper to transfer them to Texas. The reason will be manifest in our want of funds to support our agents abroad.

Since I have had time to reflect upon the provisions of the Treaty, I begin to entertain some apprehension that our Senate may not be disposed to ratify it. It strikes me, that the conditions are not quite liberal to Texas. I do not allude to that part of the Treaty that would admit us as a Territory, for I am satisfied that we cannot go into the Union on any other terms agreeably to the Federal Constitution of the United States.

The Assumption of our debts by the U. S., is a very trifling item, and as the liabilities were mostly incurred on the principle of equivalents, the whole debt will not amount to 5 Millions. All our 10 pr ct bonds, as well as I am advised were issued at 6 for 1. I think the principle of equivalents was established in the early part of 1839, and the depreciation was pretty rapid until the close of Lamars Admn., when Red backs were issued at 8 for 1. Thus you will perceive that the U. S. would not in equity be bound to redeem the liabilities of Texas at a higher rate than what they were issued, This will very much reduce the seeming amount of debt owing by Texas, and the dates of the several issues as well as the equivalents, can be ascertained with great accuracy. These are suggestions which I have not made to the public, nor do I intend that they shall be [so made]; so you will perceive that the U. S. will realize everything from the Treaty while Texas will derive very little. To day I expect to go to Galveston, and perhaps may remain there until the arrival of the Neptune. I will have constant care to our affairs until they eventu-

^a May 6, 1844. See Calendar of Correspondence with the United States in Part I.

ate. I will take care that you have some funds forwarded forthwith, and furnish you with all information that may be of importance to you in conduct of our affairs. Keep the Govt. here advised by every mail of all passing events. Always sleep with one eye open. Do the best you can.

I have the honor to be
Your Obt. Servt.

SAM HOUSTON.

VAN ZANDT TO JONES.^a

Despatch 120

LEGATION OF TEXAS

Washington, D C

May 11th 1844

HON ANSON JONES

etc etc etc

SIR

I have the honor to acknowledge the receipt of your despatches of the 26th of March and of the 6th and 12th of April

The question of annexation is creating great excitement here and generally throughout the Union. The fate of the treaty is of course uncertain the indications are however decidedly against the ratification

Nothing can change the scale but the fear of its controlling and overpowering weight with the people. There is now an evident reaction in public sentiment in favor of annexation, the current which seems to swell as it advances bids fair to sweep down its opponents. If the treaty should be rejected in time before the adjournment a joint action will be had in the form of [a] bill. It is to be feared however that there will not be time to affect anything during the present session. I shall continue to hold the language that the decision of the present Congress will be final and thereby endeavor to force the two Houses to carry out the joint action.

Mr. Van Buren will likely be set aside and a new nomination made by the democratic party. If so and a proper candidate is selected who can go before the people on the Texas issue the triumph I think will be certain. The news from all quarters of the union upon the subject is of the most encouraging character. Whether the question can be delayed should the treaty be rejected is a matter for the decision of the President. We shall at least be the gainers by the efforts now made. Great Britain is becoming more anxious and consequently would make greater exertions now than before in our behalf.

I enquired of Mr Calhoun whether Great Britain or France had protested against annexation to this government he replied they had

not. England as you see by the correspondence which has been made public disclaims any intention of an improper interference with our affairs.

I remain with great regard
Your most obt sert

ISAAC VAN ZANDT.

P. S. Two Despatches from Genl Houston have been received by Genl Henderson and myself.^a I am exceedingly gratified that the terms of the armistice were rejected by him. It has done us much injury but I hope its evil effects will now be fully counteracted by the disclaimer

Truly yours,

VAN ZANDT

CALHOUN TO VAN ZANDT AND HENDERSON.^b

VAN ZANDT AND HENDERSON TO CALHOUN.^c

CALHOUN TO PRESIDENT OF UNITED STATES [TYLER].^d

HOUSTON TO VAN ZANDT AND HENDERSON.^e

CITY OF HOUSTON, *May 17th. 1844.*

To The Hon. ISAAC VAN ZANDT

and

The Hon. J. P. HENDERSON

GENTLEMEN,

Intelligence which your last communications brought to me, seems adverse to the calculations which were made when Genl. Henderson was accredited to the U. S. If truly that Govt. is not disposed to consummate the plan of annexation, it would seem useless for him longer to remain at the Court of Washington. Whatever the desires of this Govt. or the people are, or might have been in relation to annexation, I am satisfied that they are not ambitious at this time, nor will ever be again to be seen in the attitude of a bone of contention, to be worried or gnawed by the influence of conflicting politicians. The views of the Executive of this country, as well as its citizens, were fairly presented in a willingness to become annexed to

^a One of these must have been that dated April 16. The other may possibly have been that of April 29, but the interval is rather short for this letter to have reached Washington.

^b May 15, 1844. See Van Zandt and Henderson to Jones, May 25, 1844.

^c May 16, 1844. See Van Zandt and Henderson to Jones, May 25, 1844.

^d May 16, 1844. See Calendar of Correspondence with the United States in Part I.

^e See Records of Department of State (Texas), Book 44, pp. 212-214.

the U. S. And though the advantages presented to the U. S. were incalculably greater than those resulting to Texas, she was willing to stand the hazard of the adventure.

The statesmen of that country appear to be united in opinions adverse to our admission into the Union of the North. We must therefore regard ourselves as a nation to *remain forever separate*. It would be unpleasant for us to enter into a community as a member where we should be regarded ungraciously by either of the political parties. Texas alone can well be sustained, and no matter what sincere desire we may have entertained for a connection with that Govt., and the affectionate enthusiasm that has existed in this towards it, we will be compelled to reconcile ourselves to our present condition, or to assume such attitude towards other countries, as will certainly look to our Independence. This can be accomplished if the U. S. will carry out the pledges which they have already given. The compromittal of our national honor I cannot apprehend, nor would I entertain any proposition which could be adverse to our character as an Independent Nation; but Texas can now command interests which will require no such sacrifice. We must act!! You Gentn. will be advised by the former communications from this Govt. and act in accordance with them. It would seem from the complexion of matters at Washington, that Genl. Hendersons remaining there longer would be unnecessary. As indicated in my last communication, negotiations can be very well conducted at this Govt. not designing to cast any reflections upon the representatives of this Govt. at Washington in whom the executive has the highest confidence. Moments of leisure could be employed here, and even hours and days commanded, which is not permitted when urgent despatches arrive. The locality of our Seat of Govt is such, that the Executive has had to substitute himself in correspondence for the Sec'y of State, and dispense with the services of that valuable officer, for the sake of despatch. To morrow I intend to leave here for the Seat of Govt.

Genl. Henderson will, previous to leaving Washington City, in company with Mr. Van Zandt who will remain at that court, wait upon the Executive, Mr. Tyler, and assure him that this govt. relying upon the pledges given by that Govt. will confidently expect that no molestation to Texas by Mexico will be permitted, or the aids already ordered withdrawn, without the consent of this Govt. The measure of annexation having been taken up at the instance of the U.S., ought to secure Texas and fortify her by the U. S. against all inconvenience arising from having opened negotiations upon that subject. The Treaty having been signed and submitted to the Senate is all that can be performed on the part of Texas. Further solicitation on her part would present her as an object of commiseration to the civilized world. If the embarrassments of our condition have presented us in a humiliating posture, and we have to brook mortification it fur-

nishes no excuse to us for voluntary degradation. Therefore it is that my purpose is fixed in relation to the subject of which I have treated. The desires of the people of Texas, with my love of repose—(this far I am selfish) had determined me in favor of annexation. My judgment though rendered subservient to their inclinations and my own, has never fully ratified the course adopted. Yet in all good faith I have lent and afforded every aid to its consummation.

I have the honor to be, Gentlemen,
Your Most Obt. Servt.

SAM HOUSTON.

MURPHY TO JONES.^a

VAN ZANDT AND HENDERSON TO JONES.^b

Dispatch 121.

LEGATION OF TEXAS
Washington D. C. May 25. 1844

Hon ANSON JONES
Secretary of State

DEAR SIR

We have the honor to acknowledge the receipt of your dispatch of the 2d. Inst., with the enclosures concerning the Armistice, and also a dispatch from the President dated the 10th Inst. enclosing a copy of a letter addressed by him to General Murphy.

We herewith forward you copies of correspondence had with this Government since the date of our last dispatch.

The terms of the Armistice as published having had a very injurious effect upon the question of Annexation, and having previously received information from General Houston that the same was not approved by him, we deemed it both proper and necessary, in reply to Mr. Calhoun's note, to state distinctly (as far as we were informed) its whole history and present nullity.

The debate on the treaty has been progressing about a week, Mr. Benton leading off against and Mr. Walker for it. They have been followed by Messrs Choate, Miller and McDuffie, the latter in its favour.

Mr. McDuffie, it is stated, has introduced in the Senate a joint resolution, declaring for annexation, as proposed in the treaty. This being done, it is said that Mr. Benton has changed his position and intimated his readiness to support the resolution. If so, and those of the democracy who have before gone off with him shall likewise return, the chances for its success we think very encouraging. This, however, may be a trick of Mr. Benton's to mislead the friends of Texas at the Baltimore Convention, which meets on Monday, next.

^a May 23, 1844. See Calendar of Correspondence with the United States in Part I.

^b L. S.

The indications, from all quarters of the Union, show evidently that a large majority of the people are in favour of annexation.

We have the honor to be

with great respect

Your most Obedt. Servts.

ISAAC VAN ZANDT

J PINCKNEY HENDERSON

[Inclosed are copies of the following:^a Calhoun to Van Zandt and Henderson, May 15, 1844; Van Zandt and Henderson to Calhoun, May 15, 1844.]^b

CALHOUN TO PRESIDENT OF UNITED STATES [TYLER].^c

HENDERSON TO JONES.^d

HENDERSON TO JONES.^d

CALHOUN TO PRESIDENT OF UNITED STATES [TYLER].^e

RAYMOND TO JONES.^f

HENDERSON TO JONES.^g

VAN ZANDT AND HENDERSON TO JONES.^h

No. 121.ⁱ

LEGATION OF TEXAS

Washington D. C. June 10th. 1844

HON ANSON JONES

Secretary of State

SIR

We have to communicate to you the news of the rejection of the treaty, which we signed on the 12th of April, last, for the annexation of Texas to the United States, by the Senate. It was discussed very warmly and fully for several weeks by that body, and on the 8th. instant the vote was taken on the question of its ratification, when there were given for the treaty sixteen votes and against it thirty-five; one senator who was known to be in favour of the treaty did

^a See Calendar of Correspondence with the United States in Part I.

^b This letter was published under date of May 16.

^c May 30, 1844. See Calendar of Correspondence with the United States in Part I.

^d June 2, 1844. See Calendar of Correspondence with the United States in Part I.

^e June 4, 1844. See Calendar of Correspondence with the United States in Part I.

^f June 5, 1844. See Calendar of Correspondence with the United States in Part I.

^g June 7, 1844. See Calendar of Correspondence with the United States in Part I.

^h L. S.

ⁱ The number should be 122. See Van Zandt to Jones, June 13, 1844, Raymond's postscript.

not vote.^a You will see from the speeches made during the discussion (which we will send you as soon as we can collect them) that the majority of those who voted against ratifying the treaty, are in favour of annexing Texas at some future period. It cannot be disguised that party considerations influenced many of those, who voted against the ratification, to oppose it. The question of the annexation of Texas to this Government has (as you doubtless have seen from the newspapers of this country) become strictly a party question between the democrats and whigs in the pending contest for the next Presidency, and should the former party succeed in electing their nominee we can not doubt that Texas can be annexed under his administration, if she desire it. We called upon President Tyler this morning, and he informed us that he intended to send into the House of Representatives a message calling their attention to the subject of annexing Texas—he was then in consultation with his Cabinet on the subject; and asked us if we had any thing to say or furnish him, which he could communicate with his message, but as we had received a few days since a communication from the President, dated at the City of Houston May 17th, instructing us to press the measure of annexation no further on this Government, and directing the Undersigned, Special Agent etc, to take his leave and return to Texas, we did not feel ourselves at liberty to interfere, and therefore replied that we had nothing to say or communicate.

Col Benton introduced a bill this morning, in the Senate proposing the annexation of Texas. From what we have learned of its provisions, it would not be acceptable to the Government or people of Texas, and will not receive the support of either of the two great political parties in this country.

We have the honor to be with great respect,

Your Obedient Servants

ISAAC VAN ZANDT

J PINCKNEY HENDERSON

CALHOUN TO THE SECRETARY OF STATE OF TEXAS [JONES].^b

VAN ZANDT TO JONES.^c

No. 123.

LEGATION OF TEXAS

Washington D. C. June 13th. 1844

HON ANSON JONES

Secretary of State

DEAR SIR

Since the date of our last dispatch the President of the United States has addressed to the House of Representatives a message upon

^a Hannegan of Indiana, who was absent when the vote was taken.

^b June 12, 1844. See Green to Jones, July 14, 1844.

^c L. S.

the subject of annexation, which, upon its receipt by the House, was ordered to be printed and referred to the Committee of Foreign Affairs. No further action will likely be had upon the subject before the adjournment. Our friends think it policy to await the action of the next session, or it may be possible that the President may deem it necessary to have a called session in August or September. While many object to any affirmative action at the present session, a very large majority of both Houses express themselves friendly to the measure at a future period. The indications of popular sentiment in almost every quarter, seem favorable to its ultimate success, should Texas continue to desire the Union. On to morrow, or as early as I can collect them, I shall forward to your Department a large number of papers and documents, which will enable you to see both sides of the case as represented here.

The friends of Texas in this country are determined to press the question, unless our Government shall decline its further prosecution.

Having, at the time of my departure for Washington, left much of my private business in an unsettled state which requires my personal attention at the earliest day possible, I beg leave, through you, most respectfully to tender to the President this my resignation, and request that I may be furnished with my letter of recall as soon as the same can conveniently be forwarded to me.

My resignation is forwarded at this time with a hope that I may be enabled to reach home by the commencement of the fall courts. It may however be possible that the President of the United States may determine to call an extra session of Congress, for the purpose of settling the question of annexation. In that event I should be desirous to remain during the session. Should General Houston, therefore, deem it not improper, I hope I may be so instructed.

With great regard

Your Obedient Servant

ISAAC VAN ZANDT

P. S. The joint dispatch of the 10th inst was numbered "121," when it should have been 122. Please make the correction.

Yours etc

CHAS. H. RAYMOND

VAN ZANDT AND HENDERSON TO JONES.^a

No. 124

LEGATION OF TEXAS

Washington D C

June 15th 1844

HON ANSON JONES

etc etc etc

DEAR SIR

In pursuance of the instructions of the President, on day before yesterday we called upon the President of the United States and

made known to him the desire of our government that the present position of the military and naval forces of the United States stationed upon the borders of Texas should remain unchanged. To this the President replied that no important change would be made in the previous orders and arrangements except that the commanders would be directed to correspond with the United States Chargé d'Affaires in Texas instead of the President of Texas as heretofore. The President of the United States also expressed his determination to do every thing in his power which might contribute to our security, with the hope that the embarrassments at present attending the question of annexation might in the mean time be removed.

The Congress will adjourn on Monday next the 17th Inst. The President has not determined whether he will call an extra session or not. He remarked in the interview which we had with him that should public sentiment seem to demand it, in that event he should think it proper to issue his proclamation for that purpose. We would suggest the propriety of withholding from the public so much of this despatch as relates to the Army and Navy of the United States,

We have the honor to be most

Respectfully

Your Obt Servants,

ISAAC VAN ZANDT

J PINCKNEY HENDERSON

MONDAY A M 17th.

P. S. Genl Henderson left yesterday for Texas by way of Philadelphia.

Resply.

VAN ZANDT

VAN ZANDT TO JONES.^a

No. 125.

LEGATION OF TEXAS

Washington D. C. June 18th. 1844

HON ANSON JONES

Secretary of State

DEAR SIR

Thompson, the bearer of dispatches sent to Mexico by this Government, returned on yesterday to this city. He saw Santa Anna, but made no arrangement with him, not even submitting any distinct proposition for the decision of the Mexican Government. He thinks Mexico, from the depressed state of her finances and the probabilities of an internal revolution, is wholly unable ever to make any movement of a serious character against Texas; and that she does not con-

^a L. S.

template a war with the United States, on account of annexation should it take place. Mexico has failed to pay the last installment due to this country upon her debt. There is every probability of a collision between her and France whose fleet is already on the Mexican coast. A difficulty, growing out of the murder of an Englishman, has resulted in angry correspondence with the British Minister.

These comprise the substance of the intelligence brought by Thompson.

On yesterday the Congress adjourned "sine die".

Most respectfully

Your Obt. Servt.

ISAAC VAN ZANDT.

WOLL TO HOUSTON.^a

JONES TO THE SECRETARY OF WAR [PORTER].^b

PARKER TO CALHOUN.^b

VAN ZANDT TO JONES.^c

No. 126

LEGATION OF TEXAS

Washington D. C. July 6th. 1844

HON ANSON JONES

Secretary of State

SIR

Since my last dispatch I have had a full discussion, with Mr. Calhoun, Secretary of State of the United States, on the subject of the outrage, committed by citizens of this country upon the collector of Red River District, and rescue of goods in his possession. I hope soon to be able to report to your department a satisfactory adjustment of the matter.

I am informed by Mr. Calhoun that Capt Cooke has been acquitted by the Court Martial appointed to try him, and that he will make a communication to me, in the course of a few days, on the subject, which when received I will immediately forward to your department.

I have the honor to be with great respect

Your Obedient Servant,

ISAAC VAN ZANDT

^a June 19, 1844. Copies sent with Jones to Van Zandt, July 13, and Jones to Howard, August 6, 1844. See Calendar of Correspondence with the United States in Part I.

^b June 27, 1844. See Van Zandt to Jones, August 1, 1844.

^c L. S.

HOUSTON TO JONES.^a

JONES TO VAN ZANDT.

DEPARTMENT OF STATE,

Washington [Texas], July 13th 1844.

To the Hon. I. VAN ZANDT,

*Chargé d'Affaires of the Republic of Texas.**etc etc etc*

SIR,

I have the honor to acknowledge the receipt of your several despatches to the 18th of June Ulto.

In consequence of the absence of the President and a pressure of business upon the Dept., I write you at this time very briefly.

In a private letter which I recieved from his Excellency yesterday, he says "I enclose you a letter from Mr. Van Zandt in which he announces having sent his resignation to you. You will accept his resignation in the most courteous terms and express to him the confidence of the Executive in his patriotism and integrity"^b In accepting the tender of your resignation, allow me to add to the expression of the President the assurance that the Department has every reason to be satisfied with your conduct as Chargé d'Affaires, at Washington and with the very able zealous and faithful manner in which you have discharged all the arduous duties which have from time to time been devolved on you. The interests of the country have been well sustained by you and I devoutly hope you may live to enjoy its approbation and its highest rewards. I regret that circumstances have rendered your resignation necessary but am well aware that the compensation is not sufficient to support you and justify you in longer neglecting your private affairs

Enclosed I send you your leave of absence to be presented to the Secretary of State of the U. S. whenever you are ready to leave. It is not deemed necessary that you should remain, at your post to await a call of the U. S. Congress nor is it the wish of the govt that you should stay even if a Special Session should be determined on.

It is my desire that the matter of compensation to Texas by the U. S. for the goods taken from our Collector at Bryarly's landing and the arms etc taken from Col Snively's command should be pressed upon the consideration of the U S Government

On leaving you will place the archives of your legation in the Hands of Mr Raymond, who will act in the capacity of Chargé untill an appointment is made of a successor

^a July 8, 1844. See Calendar of Correspondence with the United States in Part I.

^b The letter was dated July 8. See Calendar of Correspondence with the United States in Part I.

Enclosed I send for your information Copies of two letters lately recd one from Gen. Murphy Chargé d'Affaires of the U. S.^a the other from Gen Adrian Woll announcing to Texas a resumption of hostilities on the part of Gen. Santa Anna^b The complaint set up by Gen Santa Anna that Texas has acted perfidiously in not sending Commissioners to Mexico agreeably to the terms of an *Armistice* proposed at Sabinas by the Commissioners who were sent there is without any just foundation in fact. As it was one of the expressed and agreed conditions upon which those Commissioners were sent that any agreement which might be made by them should not be of any force unless confirmed by the Supreme Govt. of Mexico on the one part and Texas on the other. This Government immediately on its receipt, rejected this proposed Armistice, information of which was informally given to Capt. Elliot, the medium of communication between us and Mexico. On the other hand, the Supreme Govt. of Mexico failed to give us notice that she had approved the acts of her Commissioners. So that both by the act of rejection on the part of the Govt., and the omission on the part of Mexico to notify Texas that she had approved and confirmed the Armistice the same was void and utterly null.

The true cause of this renewal of hostilities I presume to be the negotiations between the U States and Texas for Annexation

I have the honor to be
with the highest respect
Your Obt. Svt.

Signed ANSON JONES

GREEN TO JONES.^c

CONSULATE OF THE UNITED STATES

Galveston July 14th. 1844.

To The Hon ANSON JONES

*Secty of State
of the Republic of Texas.*

SIR

The Undersigned Consul of the United States at Galveston has the painful duty to perform, of announcing to the Honorable Secretary of State of the Republic of Texas, the death of the Honorable William S. Murphy, late Chargé d' Affaires of the United States near this Government. This sad event took place on the morning of the 13th. inst at 1.30 O'clock.

Among the Archives of the Legation falling to the custody of the Undersigned by this event, is a communication from the Secretary

^a This letter has not been found.

^b Dated June 19, 1844.

^c See Records of Department of State (Texas), Book 42, p. 511, for both this letter and its inclosure.

of State of the United States to General Murphy informing him of his rejection by the Senate, and enclosing the communication to the Honorable Secretary of State of Texas, herewith forwarded

In presenting the communication referred to, and in taking leave of the Chief Magistrate of this Republic, General Murphy is enjoined by the Secretary of State of the United States to renew to the Government of Texas, assurances of the friendly disposition of the President of the United States towards this Republic, and of his hope that it will be reciprocated, and that nothing may take place which will have a tendency to weaken that disposition on either part.

The Undersigned takes this occasion to inform the Honorable Secretary of State, that by instructions from his Government he has taken charge of the Archives of this Legation until the successor of General Murphy shall arrive; and that during this interim it will give him great satisfaction to communicate with the Honorable Secretary of State upon any subject that may arise of mutual interest to this country and that of the United States.

By recent advices from the South west, the undersigned has learned that a bearer of dispatches from the Government of Mexico has proceeded to the Seat of Government of Texas, and that under the present existing circumstances he will be excused for requesting at this early moment to be made acquainted with such parts of the subjects of those dispatches as may be interesting to his Government, in order that he may communicate the information without delay, to the Honorable Secretary of State of the United States.

The Undersigned avails himself of this occasion to assure the Hon Secretary of State, of his high consideration and respect.

A. M. GREEN

[Here follows a transcript of the enclosure referred to, Calhoun to the Secretary of State of Texas, June 12, 1844, announcing the recall of Murphy.]

HAYS TO HILL.^a

JONES TO GREEN.

DEPARTMENT OF STATE
Washington [Texas,] July 22d 1844

SIR,

I have the honor to acknowledge the receipt of your note of the 14th Inst, announcing to this Department the melancholy intelligence of the decease of the Hon. Wm S. Murphy late Chargé d' Affaires of

^a July 21, 1844 (extract). Copy sent with Jones to Howard, August 6, 1844. See Calendar of Correspondence with the United States in Part I.

the U. States near this government, and that by instructions of your government you had taken charge of the archives of the Legation untill Gen. Murphy's successor should arrive etc. accompanying which was a letter from the Hon. Secretary of State of the United States addressed [to] this Department.

The friendly sentiments towards this Republic which on behalf of the Govt. of the United States, Gen. Murphy was enjoined to make known to this Government, a duty which his lamented decease prevented him from performing but which you have now executed, are I beg leave to assure highly appreciated, and fully reciprocated, by this Govt.

In reply to your request to be made acquainted with, such parts of the despatches lately recieved by this Govt from Mexico as might be interesting to the government of the United States I have the honor to inform you that copies of those despatches were some days since forwarded to Mr. Van Zandt our Chargé d' Affaires at Washington who will, I doubt not, communicate the desired information to the Hon. Secretary of State of the United States, without delay.

Be pleased to accept, Sir the assurances of the high consideration and regard with which I have the honor to remain

Your Most obt. Servt.

(Signed) ANSON JONES

To, A. M. GREEN Esq.

U. S. Consul

etc, etc, etc.

BROWER TO VAN ZANDT.^a

HOUSTON TO SANTA ANNA.^b

HILL TO WOLL.^b

JONES TO RAYMOND.

DEPARTMENT OF STATE
Washington [Texas] July 29th 1844^c

To CHARLES H. RAYMOND Esq.

acting Chargé d' Affaires of Texas

etc etc etc

SIR,

The Hon. Isaac Van Zandt having resigned the office of Chargé d' Affaires of this Republic near the Govt. of the U. States it is the

^a July 27, 1844. See Van Zandt to Jones, August 8, 1844.

^b July 29, 1844. See Jones to Raymond, August 6, 1844.

^c Received August 23. See Raymond to Jones, September 12, 1844.

desire of the President that you should assume the duties as acting Chargé untill a Successor shall have been appointed and arrived at Washington City.

You will take the earliest opportunity to notify the Government of the United States that a Council will be held at Tawacoro^a Creek near the Brazos on the 15th Sept next between Commissioners of Texas and the Commanche and other Indians who reside within and upon our limits, and invite that Government to send a Commissioner or agent to be present at that time and place, to aid in promoting the reciprocally important object of effecting a peace with these Indians.

The place fixed upon for holding this Council is the same at which the Council was held in March 1843 at which Govr. Butler was present. The time is fixed for the 15th Sept. but it is not very probable that the Indians will come in exactly at the day appointed or that much will be effected before the latter part of the month.

Should a Commissioner or agent be sent to attend this Council on the part of the U. States it would be desirable that he should be attended by a large escort of Dragoons not that any danger is apprehended to the Commissioners but for the purpose of making an impression upon the Savages

I have the honor to be with the highest respect

Your Most obt Svt

(Signed)

ANSON JONES

ADDRESS OF HOWARD TO JONES.^b

Address of Mr. Howard on presenting his letter of Credence to the Hon. Anson Jones Secretary of State of the Republic of Texas.

On presenting to you, Sir, this letter of Credence from my Government, I am instructed to express to you, the warm interest felt by the President of the United States, in the happiness and prosperity of the Government and people of Texas, and the earnest desire which animates him to preserve and strengthen the bonds of good feeling and kind relations which now, so happily, subsist between the two countries.

In addition to this expression of the feelings and sentiments of the President, I avail myself of the occasion to add, that similar sentiments are cherished by the people of the United States, and that at no former period has a deeper interest been felt, for the welfare and prosperity of the people and government of this Republic, than exists at the present time.

^a Tavakana.

^b A. D. undated, but inserted between the 2nd and 6th of August, 1844. See Howard to Jones of the former date, and Jones to Howard of the latter.

During my residence here, Mr. Secretary it will be my study to promote and strengthen the bonds of friendship between the two countries—a course which I can adopt with great cordiality, in view of the common origin of our people, and that identity of interest, which seem so clearly to point to our destiny.

It remains my painful duty, further to say, that the gratification I feel in being the organ of my Government in the expression of these sentiments, is much tempered by the chastening circumstances which have attended my arrival in this Republic, in the death of two distinguished fellow citizens—Gen Murphy and Col. Green, two of our public functionaries.

I have been, however, much consoled by the generous sympathy which I have every where met from your people. This is the more consolatory, as it will be evidence to their friends and afflicted families at home, of the confidence and respect, which, I have the satisfaction to know, were enjoyed by them amongst the citizens of this Republic.

JONES'S REPLY TO HOWARD'S ADDRESS.^a

Reply of Mr. Jones to the address of Gen. Howard

GENERAL,

I take great pleasure in receiving and recognizing you as the accredited representative of the United States to Texas; and in assuring you that the friendly sentiments and kind wishes which you have expressed on behalf of the President of the United States and the people of that country towards the government and people of this, are highly appreciated and fully reciprocated by the President and people of Texas.

Adverting to the fact of your former connexion with the President of Texas and the intimate personal relations which have for a great length of time existed between yourself and him rendering your appointment, so very acceptable to his Excellency I am happy to witness in your selection as their Representative here another proof of the friendship of the United States, towards Texas

I shall take much pleasure General, in co-operating with you in the work of preserving the good understanding which now so happily exists between the two countries, and in drawing still closer the ties which should unite them. In the performance of a duty so agreeable to myself I am well satisfied I shall be acting in accordance with the wishes and the feelings of the people of Texas who ever mindful of the identity of the origin language laws and customs of the two nations ardently desire united destiny.

The sentiments which you have expressed, on this occasion in reference to the recent melancholy death of the two distinguished func-

^a See title of Howard's address, note.

tionaries of you[r] government, Gen. Murphy and Col. Green are very proper, and I assure you of the sympathy I feel in common with all our fellow citizens, at the loss which their country as well as their friends and families have sustained, by this afflictive dispensation of divine providence.

JONES TO RAYMOND.^a

[Transmits copies of the following: Houston to Santa Anna, July 29, 1844;^b Hill to Woll, July 29, 1844.^c]

HILL TO JONES.^d

JONES TO HOWARD.^e

[Inclosed were Hays to Hill (extract), July 21, 1844; Woll to Houston, June 19, 1844; Hill to Jones, August 6, 1844.]

HOWARD TO JONES.^f

JONES TO RAYMOND.

DEPARTMENT OF STATE

Washington [Texas], Augt. 6th 1844

To C. H. RAYMOND Esq.

acting Chargé d'Affaires of Texas

SIR,

Information has just been recieved through Col. J. C. Hays commanding on our South Western frontier, that Mexico is actually about to make a hostile movement upon this country. Enclosed herewith I send you the copy of a letter from the Hon. G. W. Hill Secretary of War and Marine addressed on to-day to this Department with the accompanying documents marked A. and B. which will place you more fully in possession of the particulars in relation to the immediate expected movements of the enemy.^g

^a August 5, 1844. See Records of Department of State (Texas), Book 44, p. 222. This dispatch was received August 23. See Raymond to Jones, September 12, 1844.

^b See Calendar of Correspondence with the United States in Part I.

^c See Correspondence with Mexico.

^d August 6, 1844. Copy inclosed with Jones to Howard, August 6, 1844. See Calendar of Correspondence with the United States in Part I.

^e August 6, 1844. For this letter and its inclosures, see Calendar of Correspondence with the United States in Part I.

^f A. L. S., August 6, 1844. See Calendar of Correspondence with the United States in Part I.

^g The inclosures are the same as those sent to Howard, August 6, 1844, except that Howard's reply is added. For this, see Calendar of Correspondence with the United States in Part I.

Information recieved from the city of Mexico through the agent of the United States Government there, has made known the fact that, Gen. Santa Anna is engaged in raising funds, and recruiting an army for the avowed purpose of attempting to subjugate Texas and that in pursuance of his design he has already despatched a number of troops from the city of Mexico and is concentrating them and other forces upon the Rio Grande.

The fact, that the negotiations for an armistice in progress at Sabinas in Feb. last were suddenly interrupted upon the receipt of the intelligence by Mexico that a proposition for the annexation of Texas to the United States had been submitted by the latter country, and that subsequently the information of the conclusion of the treaty had given great umbrage to the Mexican Govt. taken in connexion with the letter of Gen. Woll^a seems conclusively to indicate that these movements of the enemy have been caused, by pending negotiations between the United States and Texas on the subject above referred to.

I have consequently called this day upon Gen. Howard, Chargé d'Affaires of the U States requesting him to take early action upon the assurances given to this Govt. by Gen. Murphy and by Mr. Calhoun, and that the promised aid might be rendered to Texas by his Government.

Enclosed herewith is a copy of his reply to my communication by which you will perceive that Gen. Howard thinks it necessary to refer the whole matter back to his government for its action, and to await instructions from the City of Washington. This delay has given great dissatisfaction to the President

It was his impression that he should at any time in case of threat-[e]ned danger to Texas command the aid of the Military and Naval force of the United States in the Gulf and upon our frontier. This was expected to be rendered in case of emergency like the present, even, without the delay of an appeal to the government at Washington

It is the wish of the President therefore that you should immediately make known to the President of the United States his understanding of the pledges given for the security and protection of Texas during the pendency of negotiations for Annexation, and his conviction of the importance to the success of that measure of immediate action on the part of the U States government, in the employment of their land forces on our frontier in preventing the threatened injury to Texas; and of such other means as may be deemed adviseable and proper for the same object.

This Government trusts that the action of the United States in reference to this subject will be prompt and efficient, a course which

^a One of the inclosures.

you will urge upon them by every consideration in your power to offer.

Gen. Howard despatches an express to-morrow to Gen. Taylor at Fort Jesup by whom I shall send you this communication.

Should not the required aid be rendered by the United States, it is probable you will be instructed to break off all negotiations having for their object the annexation of Texas to the United States, nor can we wait beyond a reasonable time for their determination to be made known.

I have the honor to remain

very Respectfully

Your Obt Svt

(Signed)

ANSON JONES

HOWARD TO JONES.^a

VAN ZANDT TO JONES.^b

No 127.

LEGATION OF TEXAS

Washington [City] August 8th. 1844

HON ANSON JONES

Secretary of State

DEAR SIR

I have delayed writing to you for some time, with the expectation daily of receiving something from your department. The Steamers having left for New York, and all communication being thereby rendered uncertain I shall delay no longer.

In my last dispatch I informed you that I anticipated an early and satisfactory adjustment of the Red River difficulty.^c I had just then had an interview with Mr. Calhoun in which I submitted to him the points upon which we rested the claim for indemnity, to all of which, after some little discussion he assented, and promised to submit the matter to the President for his determination, at the next Cabinet meeting. This he did, but instead of the President's approving it, he and the cabinet all dissented. The Attorney General, Mr. Nelson then drew up a written and lengthy opinion in opposition to the demand, after which Mr. Calhoun sent for, and made known to me the result, submitting to me the opinion of the Attorney General for my inspection and consideration. Upon an examination of it with, all the other objections urged, I informed Mr. Calhoun that if he would make me a communication upon the subject

^a August 7, 1844. See Calendar of Correspondence with the United States in Part I.

^b L. S.

^c The attack on Collector Bourland. See Bourland to Secretary of Treasury of Texas, May 4, 1843, in Calendar of Correspondence with the United States in Part I.

in reply to my former demands, I was prepared to enter upon the discussion. He then suggested that it would perhaps be more satisfactory to discuss it, first, verbally, at the Department, and that, then, in the event we did not agree, the written correspondence might be opened. To this I assented, believing they would more readily abandon their position before the committal on paper against the demand, than afterwards. On the next day I repaired to the state department where we took up the matter and discussed it near two hours each day for about a week, exploring the whole range of cases and authorities from the earliest writers up. The result was that at the end of the investigation my positions were fully admitted by the Secretary of State, and I understand sanctioned by the majority of the Cabinet. Mr. Calhoun then drew up a formal reply acknowledging their liability for the damages. Before sending it to the President he submitted it for my inspection, after some slight modifications I told him it would be satisfactory. The communication was then forwarded to the President who had gone to Norfolk. Upon an examination he dissented from some portion of the conclusions of Mr. Calhoun and returned the communication, suggesting certain modifications. On the receipt of this answer Mr. Calhoun sent for me and expressed a desire that the case should rest until the President returns to the city, which will be in the course of the present week; when he anticipated a removal of every difficulty. To this course I have consented. I have been thus explicit that you may understand the cause of the delay.

You will of course have seen that the Mexican Congress have voted Four millions of dollars and thirty thousand men for the invasion of Texas, also the manifesto of Genl Woll to Genl Houston^a declaring the intention to re-commence hostilities against Texas. I have seen likewise the correspondence both official and private, of the United States Charge de' Affaires in Mexico to the State Department here. From a survey of the whole facts that have been developed I think we may conclude that it is the intention of Santa Anna, again, to commence the war upon *some scale*, the measure and extent of which will much depend upon the encouragement that he may receive abroad. If England winks at the measure, we may look out for a formidable effort. England will of course view all the circumstances, and pursue that policy which her interest may seem to dictate. There is no occasion for a panic in Texas, and [it] should by all means be avoided. You know the pledges of the President of the United States. I think we may rely with every confidence that they will be fulfilled. Your Representative here should be kept advised as frequently as possible upon this subject, and especially as to the views and wishes of the President.

^a That is, the letter of June 19, 1844.

There is advertised to be sold on the 20th. Inst, a large amount of the public arms at New York. I am endeavouring to get the sale, of three thousand stand of them, suspended until we can see whether we need them or not. They can be got low, and it may probably be to our advantage to secure them, especially if we can do so in such way as to pay for them out of any indemnity we may get from this Government. I merely make the suggestion in order to have the opinion of the President upon the subject.

The two Mexican Steamers now repairing in New York, I learn from Mr. Brower are making great efforts to complete their works and outfit. I send you a copy of Mr. Brower's letter. The suggestion which he makes in regard to the effort to seize the vessels I think might be successfully attempted near New York. I went to Baltimore a few days ago partly to see what could probably be done. If the proper papers and powers were placed in the hands of your Representative here, with proper caution and energy, I think arrangements might be made to seize them, without a dollars expense to Texas, by proposing to some proper individual the spoils, or a portion of them for pay. The vessels will not likely get off before the 1st. of October.

I expect by the next mail notice of the acceptance of my resignation. I hope my successor if one has been appointed may arrive with my recall, that I may be able to explain the situation of matters here, as present appearances indicate that this will soon be the theatre of important action in our affairs.

* * * * *

Since writing the foregoing I have seen Mr. Calhoun who informed me, that it was stated in the dispatch just received from Mr. King the American Minister in Paris that in an interview, which that gentleman had with the King of the French His Majesty told Mr. King that they wished Texas to remain independent, upon commercial grounds, but would take no part in any controversy growing out of the question of annexation.

I remain with high regard

Your Most Obedient Servt.

ISAAC VAN ZANDT

(Extract of a letter from Mr. Brower to Mr. Van Zandt, referred to in the foregoing dispatch.)

"CONSULATE OF TEXAS *New York July 27th. 1844*

DEAR SIR

You are aware the Mexican War Steamers, "Gaudalupe" and "Montezuma"^b are here undergoing repairs. I was told a few days

^a Here is omitted a paragraph relating to Van Zandt's salary.

^b These were the two vessels built in England in 1842 and allowed to go to sea in spite of the protests of Chargé Ashbel Smith. See Smith to Aberdeen June 14, 1842 (the protest), in the Correspondence with Great Britain.

since, by a person who saw it that there appeared much anxiety on the part of the officers to hurry forward the work—from which he supposed Dispatches may have been recd., pertaining to the part they may be designed to take in Santa Anna's new project for the invasion of Texas. If any part, naturally, the object would be to use them for blockading the Texian shipping ports, especially that Texas, now, has no Naval force in commission. It has appeared to me that the Government and people of Texas should look to the protection of their sea coast, and without any bustle, but as quietly as possible plan some expedition by which to board and take those Steamers if they appear off Galveston. It appears to me an ordinary Steamer, under American colors, properly manned with men of right nerve, well equipped, might accomplish the object. Of course it is for you to make any suggestion you may please, to the Texian Executive upon the subject."

VAN ZANDT TO CALHOUN.^a

CALHOUN TO KING.^b

CALHOUN TO VAN ZANDT.^c

VAN ZANDT TO CALHOUN.^d

VAN ZANDT TO JONES.^e

No. 128

LEGATION OF TEXAS

Washington D. C. August 16th. 1844

HON ANSON JONES

Secretary of State

SIR

I have the honor to enclose you herewith the note of Mr. Calhoun of the 14th. Inst, together with the documents which accompanied it, and my reply of this date to the same.

If the President shall acquiesce in the acquittal of Captain Cooke, and the offer to return or make compensation for the arms, it will only be necessary to indicate at what point the arms are desired to be delivered. If it be wished, new arms will be given instead of those taken. If a monied compensation be preferred, it will be necessary to await an appropriation by Congress. As the arms will likely be needed in the country, and less difficulty would attend

^a August 10, 1844. See Van Zandt to Jones, August 19, 1844.

^b August 12, 1844. See Calendar of Correspondence with the United States in Part I.

^c August 14, 1844. See Van Zandt to Jones, August 16, 1844.

^d August 16, 1844. See Van Zandt to Jones of same date.

^e L. S.

their acceptance, it seems to me it would be policy to receive them instead of awaiting the tardy action of Congress.

I have been told that Captain Cooke has a letter from Colonel Snively in which he expresses his gratitude for the kindness shown him by Cooke. If this be true, perhaps it would be unnecessary to prosecute the case further.

I hope the President will be pleased at the prospect of a favorable adjustment of the Red River difficulty.^a The assurances given are perhaps as favorable as we could expect under the circumstances. In fact as to the liability, every thing is conceded which could be desired. If I had had "full powers" for the purpose, it would have been more formal to have concluded a convention, but not having them I think the matter is as well shaped as could be.

The Affidavit of the Collector and others as to the introduction, seizure and value of the goods will be all sufficient, to transmit to the Congress of the United States, but these should be obtained and forwarded to this Legation as early as possible. I told Mr. Calhoun during the discussion I was of opinion, although not authorized to say so officially, that our Government would be willing, as an act of courtesy, to relinquish the claim for damages so far as the property actually belonged to the United States. I should be much gratified if my opinion as thus expressed should be sanctioned by the President.

We have no further news from Mexico. The papers of yesterday contain a rumor that the Mexican loan of four millions had been taken by Great Britain, but I think there is nothing to substantiate the report.

We have no mail yet from Texas.

The President and Cabinet are discussing the propriety of a call of Congress to consider how far Texas should be protected against Mexico. This is Cabinet day, and if anything important transpires I will advise you of it to morrow.

With great respect, Yr Most Obedt. Servt

ISAAC VAN ZANDT

[Here follows a copy of Calhoun to Van Zandt, August 14, 1844.]

(Copy)

WAR DEPARTMENT

April 24, 1844

SIR

I respectfully transmit herewith an extract of the proceedings, containing the opinion, of the Court of Inquiry held at Fort Leavenworth, Missouri, under the orders of the President, in the case of Captain Cooke of the U. S. Dragoons, in relation to the discharge

^a See note c, p. 297.

^b See Calendar of Correspondence with the United States in Part I.

of the duty assigned to him for the protection of the Caravan of Santa Fe traders over the territory of the United States to the Texan frontier in May and June 1843.

Very Respectfully, Your Obedt. Servt

WM. WILKINS, *Secretary of War*

Hon JOHN C. CALHOUN

Secretary of State.

(Copy)

ADJUTANT GENERAL'S OFFICE

Washington April 24th. 1844

Extract of the proceedings of the Court of Inquiry held at Fort Leavenworth, Mo, in the month of April, pursuant to "general orders" No. 6, dated February 28th. 1844, instituted by order of the President, "to examine into and report the facts respecting the manner in which Captain P. St. George Cooke, of the United States Dragoons, discharged the duties assigned to him for the protection of the Caravan of Santa Fe traders over the territory of the United States to the Texan frontier in May and June 1843, whether, in his march, he disarmed the Texan force under Colonel Snively, if so, in what territory and in what manner; and whether his conduct was harsh and unbecoming."

"The Opinion".

In view of the foregoing facts, the Court is of opinion, that Captain P. St George Cooke, of the Regiment of United States Dragoons, on the 30th. of June 1843, disarmed a Texan force under Colonel Snively, within the territory of the United States, by causing them to lay down their arms, under an appropriate exhibition of military force of United States Dragoons; and that there was nothing in the conduct of Captain Cooke that was harsh and unbecoming" The Court is further of opinion that Captain Cooke did not exceed the authority for the protection of the lawful trade of the Santa Fe Caravan, "derived from the orders of the Secretary of War to the Commanding General of the army, dated March 28th. 1843, and of the Adjutant General to Colonel Kearney,^a dated March 29th. 1843", and that the confidence reposed in him by his Government was not "in any degree misplaced".

The Court then adjourned sine-die

(signed)

H. S. TURNER

1st Lieut and Adjt Dragoons

Recorder of Court

(signed)

S. W. KEARNEY

Col U. S. Dragoons

President of Court

True Copy

(signed) R. JONES

Adjt. Genl.

(Copy.)

WAR DEPARTMENT

June 27, 1844

SIR

In answer to your communication of this day, I have the honor to transmit herewith copies of two letters of Wm. Armstrong Esq. Acting Superintendent of Indian Affairs West, and Choctaw Agent,^a and a report of the Adjutant General of the Army, which contain all the information required, and not embraced in the letter of the Secretary of War to the Department of State, on the 11th. of May 1843; so far as it can now be furnished by this Department.

I have the honor to be

Very Respectfully

Your Obedt. Servt

D. PARKER

Actg Secy of War

To Hon.

JNO. C. CALHOUN

Secretary of State.

(Copy.)

ADJUTANT GENERAL'S OFFICE

Washington, June 27, 1844

The Hon. SECRETARY OF WAR,

SIR

I herewith submit a copy of Brigr. General Taylor's report of the 2nd. of April, (marked B) relative to the protection alledged to have been given by an officer of the Army of the United States to persons concerned in an assault upon the Collector of Red River in the Republic of Texas, etc refered to in the letter of the Secretary of State of this date, being the result of the inquiry directed to be made in the matter, as seen by instructions from this office to Genl. Taylor of the 11th. March, of which a copy is herewith furnished, (marked A). I also submit herewith a copy of Lieut Colonel Loomis' report (the officer implicated) to Genl. Taylor, dated April 20th. 1843, which accompanied the General's communication of April 2. (Marked C). These are all the papers which have been received relative to the subject.

Respectfully submitted.

(signed)

R. JONES

Adj. Genl.

^a Neither of these two copies is on file with that of Parker's letter; but they must have been those of the two communications of Armstrong to Crawford, one of April 10, 1843, and the other undated, that were enclosed with Van Zandt to Jones, August 15, 1843.

(Copy.)

ADJUTANT GENERAL'S OFFICE

Washington March 11th. 1844

SIR

You will see by the correspondence, copies of which are herewith enclosed, between *Isaac Van Zandt Esq.* Charge d'Affaires of Texas, and the Secretary of State, (and the accompanying papers) relative to an alledged assault upon the Collector of the Customs of Texas, for the District of Red River, and violation of the revenue laws of that Republic by sundry citizens of the United States, that complaint is made against Lieut. Colonel Loomis, commanding at Fort Towson, it being alledged that he protected the said assailants, in their persons and property, by placing a guard on board the Steam Boat "Fort Towson". I am therefore directed to call your attention to this complaint against the officer of the army named, and that you report thereon for the information of the War Department and the Government.

I am sir, very Respectfully

Your Obdt. Servt

(signed)

R. JONES, *Adj. Genl.*

Brigr General

Z TAYLOR

*Com'g 2nd. Dept**Fort Smith, Ark.*

(Copy.)

HD. QRS. 2D MILY DEPT.

Fort Smith April 2d 1844

SIR

Your communication of March 11th. with enclosures from 1 to 7, relative to an alledged participation of the Military force of Fort Towson, in an interference with the revenue laws of Texas in April 1843, has been received. I respectfully enclose herewith, Lt. Col *Loomis'* original report on the subject; dated April 20th. 1843, which will, I trust, be found satisfactory. His course was fully approved by me at the time, and the case seemed so plain that I did not deem it necessary to make any report to General Head Quarters. It will be seen from the Lt Colonels' report, as well as from the account of the affair given by the Texan Collector, in No 4,^a that the Military force had nothing to do with the forcible removal of the goods from

^a Bourland to Secretary of Treasury of Texas, May 4, 1843. See Calendar of Correspondence with the United States in Part I.

the custody of the revenue officer, that after they were placed on board the Steam Boat, and once more within the limits of the United States, a guard, at the application of the Master of the boat, was placed over them, in which I deem that Lt. *Col Loomis* did not exceed the limits of his duty, particularly as public stores were on board. It is believed that Col Churchill, Inspector General, was on board the Fort Towson at the time, and I would respectfully refer you to him for any further particulars.

I am, Sir, very Respectfully

Your Obedt. Servt

(signed)

Z TAYLOR *Br't Brig. Genl.*

U. S. Army, Comd'g.

The ADJUTANT GENERAL OF THE ARMY

Washington D. C.

(Copy.)

HE[A]D QUARTERS FORT TOWSON

20th April 1843

CAP.

For the information of the Commanding General 2d. Mil. Dept. I have to inform you that on tuesday, 11th. inst, I was informed by the master of the Steam Boat, Fort Towson, that he had a large quantity of public stores, as well as merchandise, etc, belonging to merchants of Doaksville and Sutlers of the posts of Fort Towson and Washita, and that he was apprehensive of an attack from the Texan Custom-house officers, and requested a guard for his boat, which was lying about 35 miles, by land, below this. I sent Lt Merrill of the Riflemen, with 30 of his Company, and Lieut Ernst, of the 6th. Infantry. Lieut Merrill has this morning returned, leaving Lieut Ernst and 10 men to come up on the boat.—No appearance of an attack—The river is rising and the boat expected to day. I am told these goods were stored on the Texan shore to lighten the boat, and seized by the Custom-house Officers of Texas, and afterwards taken by force from the store by the Master of the Fort Towson, therefore, he feared an attempt to recapture them.

Although I do not sanction any attack upon Texas, I could not allow our boats to be molested. This was also the opinion of Col. Churchill. Immediately upon the news of their seizure, the Merchants of Doaksville etc sent an express to Washington, Texas, to demand their release. I wrote our Chargé d'Affaires, requesting him to use his influence to procure the restoration of these goods.

I believe the re-capture was the act of the master etc of the Fort Towson, and unknown to the Merchants and owners of the goods.

Respectfully, Sir,

Your Ob Servt.

G LOOMIS

Lt. Col. 6: Inf

Commg.

Captain W. W. S. BLISS

Asst. Adj't Genl.

Fort Smith

Ark.

[Here follows a copy of Van Zandt to Calhoun, August 16, 1844.^a]

BROWER TO VAN ZANDT.^b

CALHOUN TO VAN ZANDT.^c

VAN ZANDT TO JONES.^d

No. 129.

LEGATION OF TEXAS

Washington D. C. August 19th. 1844.

HON ANSON JONES

Secretary of State

SIR

I have the honor to enclose you herewith a copy of my note of the 10th. instant to the Secretary of State of the United States requesting the delivery of two boys said to have been taken prisoners on the Trinity River, and now among the Wichitaw Indians, together with a copy of the reply thereto of the 17th. instant which I have just received. You will perceive from my note to Mr. Calhoun that I derived the information concerning the boys through the letter of Mr. Upshaw Chickasaw Agent. I have no knowledge of their names or ages. It was stated by the Indian Chief who gave the information to Mr. Upshaw, that their parents were murdered at the time of their capture. The boys will no doubt be recovered and sent to the Chickasaw Agency. Would it not be well to publish the fact that the friends of the boys may take the necessary steps to secure their safe return?

^a See Calendar of Correspondence with the United States in Part I.

^b August 16, 1844. See Van Zandt to Jones, August 19, 1844.

^c August 17, 1844. See Van Zandt to Jones, August 19, 1844.

^d L. S.

I did not deem it necessary to await your instructions in this matter, but thought it best to act promptly lest the delay might embarrass the object. I hope the steps I have taken may meet the approbation of the President

I have just received a letter from Mr. Brower, dated 16th. instant, in reply to certain inquiries which I addressed him respecting the Mexican Steamers now at New York. I send you an extract of the same. In a few days I expect to hear from him again when I may think proper to write you further on the subject.

With the highest respect I have the honor to be

Your Most Obedt. Servt.

ISAAC VAN ZANDT

[Next come copies of the following:^a Van Zandt to Calhoun, August 10, 1844; Calhoun to Van Zandt, August 17, 1844.]

(Extract from Mr. Brower's letter to Mr. Van Zandt)

"CONSULATE OF TEXAS NEW YORK

August 16th. 1844

DEAR SIR

I acknowledge with pleasure your much estd. letter of 12th inst.

I have heard it rumored that the Steamers "Guadalupe" and "Montezuma" are to be manned, or partially so with U. S. seamen when they leave here, but as yet, I am not enabled to write you with that degree of certainty upon this point which I hope to do in a few days, having a friend, who can approach the matter in the right place, as I think, now seeking information for me.

I think with you, it might not be policy to interfere with the shipment of the crews of these steamers—except so far to have knowledge of the fact, as to rebut any charges by Mexico against the United States and her citizens for doing towards Texas that which, in repeated cases, Mexico has attained for herself. Nor do I believe but that Amer. seamen on board these ships might easily be taught to feel more patriotism for Texas than Mexico, provided a few good and sagacious friends of Texas could be shipped on board each vessel.

There can be but little doubt that England is endorsing Mexico in the proposed campaign. England prefers Texian Independence with free ports, and second to this she sees her interest clearly in returning Texas to the Govt. of Mexico in preference to annexation to the U. S. She is acting on this principle with that secrecy and sagacity which control all the great measures of her Cabinet Counsels."

The above is a true extract

CHAS. H. RAYMOND ^b

Secty of Legation

^a See Calendar of Correspondence with the United States in Part I.

^b Autograph.

 VAN ZANDT TO CALHOUN.^a

 RAYMOND TO JONES.^b

 RAYMOND TO JONES.^c

 WILKINS TO CALHOUN.^e

 THOMAS TO ARBUCKLE.^d

 RAYMOND TO JONES.^e

 CRAWFORD TO BOONE.^f

 WILKINS TO CALHOUN.^g

 CALHOUN TO VAN ZANDT.^h

 VAN ZANDT TO CALHOUN.ⁱ

 CALHOUN TO HOWARD.^j

 VAN ZANDT TO CALHOUN.^k

 CALHOUN TO VAN ZANDT.^k

^a August 24, 1844. See Van Zandt to Jones, September 11, 1844.

^b August 28, 1844. See Calendar of Correspondence with the United States in Part I.

^c August 29, 1844. See Calendar of Correspondence with the United States in Part I.

^d August 31, 1844. See Van Zandt to Jones, September 11, 1844.

^e August 31, 1844. See Calendar of Correspondence with the United States in Part I.

^f August 31, 1844. See Van Zandt to Jones, September 11, 1844.

^g September 5, 1844. See Calendar of Correspondence with the United States in Part I.

^h September 6, 1844. See Van Zandt to Jones, September 11, 1844.

ⁱ September 9, 1844. See Van Zandt to Jones, September 11, 1844.

^j September 10, 1844. See Calendar of Correspondence with the United States in Part I.

^k September 10, 1844. See Van Zandt to Jones, September 11, 1844.

VAN ZANDT TO JONES.^a

No. 130.

LEGATION OF TEXAS

Washington [City] 11th. Sept. 1844

HON ANSON JONES
Secretary of State

SIR

Your dispatch of the 13th. of July, last, notifying me of the acceptance of my resignation was not received until a short time ago, when I was prostrate with a severe billious attack and confined to my bed. To-day is the first time for twenty one days that I have left my rooms. I have this day presented my recall and taken my leave of the President, and shall start for home as soon as I am able to travel. I will forward you by the next opportunity a copy of my speech, and the Presidents reply.

I send you with this several communications made to and received from the Department of State of the United States, which will explain themselves.

I have seen the valuation of the guns taken from Colonel Snively's command and think them estimated at their full worth.

Mr. Raymond will acquaint you of the receipt of several despatches directed to him. The one in relation to the Indian treaties, requiring immediate attention, I deemed it best to make a communication upon the subject. Mr Raymond then called at the Department and superintended the arrangement.

I had hoped to be able to give the subject of the movements of the United States troops and Navy more attention than I have been able to do. Mr Raymond has seen Mr Calhoun several times on the subject, and Mr. Calhoun has been kind enough to call at my room frequently, but it was impossible, owing to my feeble state, to discuss the matter at any length. I have not learned what will exactly be their course and how far they will go. General Howard will be fully instructed so Mr. Calhoun informed me;—other important papers will be sent him to communicate to you,—all of which I trust may be satisfactory to the President.

I have great confidence that Polk will be elected, if so, annexation will be certain, if Texas continue to desire it, which I trust she may.

Mr Calhoun has promised to show us the dispatch to General Howard.

I shall deliver as directed all the archives of the Legation to Mr Raymond, who, I have informed the President and Secretary of State, will proceed to discharge the duties of the Legation, as Acting Chargé d' Affaires.

I shall write you again when I am more able.

With great regard
Truly Yours

ISAAC VAN ZANDT.

[Next come copies of the following:^a Van Zandt to Calhoun, August 24, 1844; Calhoun to Van Zandt, September 6, 1844; Thomas to Arbuckle, August 31, 1844;^b Crawford to Boone, August 31, 1844; Van Zandt to Calhoun, September 9, 1844; Van Zandt to Calhoun, September 10, 1844, taking leave; Calhoun's acknowledgment, bearing the same date.]

RAYMOND TO JONES.^c

CALHOUN TO HOWARD.^c

RAYMOND TO JONES.^d

No. 131.

LEGATION OF TEXAS

Washington City, September 12th. 1844.

HON ANSON JONES

Secretary of State

SIR:

Your dispatch of the 29th. of July, last, addressed to me as Acting Chargé d'Affaires, in relation to a contemplated Indian Council, was received on the 23rd. ultimo, at a time when Mr Van Zandt, who did not present his letter of recall until yesterday, was very ill. He however immediately addressed a note to the Secretary of State of the United States upon the subject; and the orders from the Adjutant General's Office and the instructions from the Commissioner of Indian Affairs of the United States, copies of which were enclosed to you in dispatch No 130, will inform you of the steps taken by this Government in the matter.

The Commissioner, Captain Boone, with his company of dragoons, will probably reach the Council ground about the 1st. proximo, but in any event, it is to be hoped the Indians will be detained until his arrival.

Your dispatch of the 5th. ultimo enclosing copies of the replies of the President and Secretary of War and Marine to the Communication from Genl Adrian Woll of the 19th of June last, was also received the 23rd. ultimo. I showed the President's reply to Mr Calhoun who expressed much gratification at its tone and spirit.

^a See Calendar of Correspondence with the United States in Part I, for all except the last two, which have not been published.

^b Cf. Wilkins to Calhoun, September 5, 1844. See Calendar of Correspondence with the United States in Part I.

^c September 13, 1844. See Calendar of Correspondence with the United States in Part I.

^d A. L. S.

Your dispatch of the 6th. ultimo, by express, concerning the immediately expected hostile movements of Mexico, with the accompanying documents, reached here two weeks ago. On the same evening I called upon the Secretary of State (Mr. Van Zandt being too ill to leave his room) and in pursuance of your instructions made known to him and afterwards to the President of the United States, the President's understanding of the pledges and assurances given by their Government for the protection and support of Texas against foreign aggression. The Secretary of State informed me of the receipt of Genl. Howard's dispatches upon the same subject, and assured me they would be immediately considered and acted upon by his Government; and that General Howard would be amply instructed in regard to the measures that would be adopted by this Government in fulfillment of its pledges, and directed to communicate the same to your Department. I had several more interviews with him in reference to this subject, and he had the kindness to call repeatedly at Mr Van Zandts lodgings, where it was discussed as thoroughly as his weak state of health would admit. The true state of the case having been brought to the attention of this Government by the correspondence which passed between your Department and Genl. Howard, it seemed to be unnecessary to address a written communication upon it to the Department of State here.

We have been shown a very strong and able paper from the Department of State of the United States to their Minister at Mexico to be communicated by him to the Mexican Government, protesting against a renewal of the war and its manner of conduct against Texas, and declaring that the United States will view any attack upon her by Mexico as highly offensive to them.—A copy of it will be furnished you by Genl. Howard.

Since writing the above Mr Calhoun has sent us his dispatch, to Genl Howard, to peruse, and to our surprise nothing was mentioned in it respecting the disposition to be made of the land and naval forces of the United States in order to our protection. I immediately called at the Department of State and expressed to Mr Calhoun my surprise and disappointment at the omission. He replied that the assurances of his Government on that point were already full and explicit; that I might however reassure my Government that the orders, given at the time the treaty was made, to Brig' Genl. Taylor and commodore Connor, were continued in their full force and operation—that there would be no change in the present position and organization of the army—that a large naval force would soon be in the Gulf and that two or more (or as many as might be necessary) vessels of War would be stationed at Galveston, before any attack should be attempted upon that place.

I shall continue to press upon the Government of the United States, by every consideration in my power to offer, the high obligations they are under to afford us prompt and efficient aid and protection against our enemy, and will address you again upon the subject in a few days.

I have the honor to be with high regard

Your Obedient Servt.

CHAS. H. RAYMOND

CALHOUN TO DONELSON.^a

THOMAS TO TAYLOR.^a

THOMAS TO ARBUCKLE.^b

CALHOUN TO RAYMOND.^b

RAYMOND TO JONES.^c

No. 132.

LEGATION OF TEXAS

Washington D. C. Sept. 19th. 1844

HON ANSON JONES

etc. etc. etc

SIR

The painful news of Genl. Howards' death reached here on the 15th. Instant, and caused among his numerous friends and acquaintances the most unfeigned grief.

On account of the interesting position of Texian affairs the President of the United States lost no time in appointing another Chargé d'Affaires to our Government. The appointment has been conferred upon Andrew Jackson Donnelson, nephew of Genl Jackson. A special message was dispatched to him on yesterday morning with his commission and instructions. If he accepts, of which no doubt is entertained, he is directed to proceed with all possible speed to our seat of Government and communicate to your Department the measures taken and to be taken by this Government in fulfillment of its pledges of protection. In addition to the protest of this Government to Mexico, referred to in my last dispatch, a copy of which the United States Chargé is directed to communicate to you, and its orders for the return of Commodore Connor, with the vessels of War under his

^a September 17, 1844. See Calendar of Correspondence with the United States in Part I.

^b September 18, 1844. See Calendar of Correspondence with the United States in Part I.

^c A. L. S.

command, to the Gulf and along our coast, Mr Donnelson has been authorized and instructed, upon representations being made to him by our Government that there is reason to apprehend an attack upon our frontiers by any of the various tribes of Indians upon and adjacent to the boundary line of Texas and the United States, through the instigation of emisaries of the Mexican Government or from any other cause, and upon a request being made by us that United States troops be stationed within our limits for the purpose of restraining by force these Indians, to order the troops from Fort Jesup, Fort Towson etc to such points and places in Texas as may be deemed best for our security. Probably San Antonio would be one desirable point at which to station a large detachment. Mexico could not complain of such a step for it would be in strict accordance with the 33rd. article of her treaty of 1831 with the United States, and, under that article of the treaty, Texas has the right to demand this course of the United States.

A letter has just been received by this Government from its Cherokee Agent giving information that Mexican emisaries have been and are now among the Indian[s] on the borders of the United States and Texas, endeavouring to instigate them to join our enemy in the contemplated invasion; and I am confident you will be enabled, at home, to furnish such facts and evidence to the United States Chargé d'Affaires, in relation to the disposition and probable designs of these Indians under the influence of Mexico, as will fully authorize him to give the orders alluded to.

The President of the United States left the city on the 17th. inst on a visit of a few days to the Springs in Virginia. Mr Calhoun will leave next week on a visit to South Carolina.

The last dispatch received from your Department is of the 6th. ult.

I have the honor to be with sentiments of high regard Your Most Obedt. Servant.

CHAS. H. RAYMOND.

RAYMOND TO JONES.^a

No. 133.

LEGATION OF TEXAS

Washington D. C. October 1st. 1844

Hon ANSON JONES

etc. etc. etc.

SIR

The Mexican Steam vessels of War, "Gaudalupe" and "Montezuma" are still at New York.^b I have had several conversations, recently, with the Secretary of State in regard to them, and he has assured me in the most positive terms, that they will not be permitted

^a A. L. S.

^b See note b, p. 299.

to increase their equipment, or armament in the smallest degree within the territories of the United States. He also informed me that the President has dispatched a special agent, a legal gentleman of this city, to New York, who with Mr Hoffman the United States District Attorney, is directed to keep strict watch upon their movements, collect evidence, and, in case they commit any act contravening the laws of neutrality, to institute the necessary legal process for their detention. Owing however to the want of proper municipal regulations, in this country, to give efficiency to the law of nations in such cases, I very much fear they will be suffered to depart unmolested.

I was on yesterday permitted to read at the Department of State a portion of a Dispatch from Mr Green, dated at the city of Mexico the 20th. of August, last. He states, in substance, that since the arrival of a late Packet from England, the Mexican Government had changed its plan of attack upon Texas—That instead of an invasion by land they now contemplate an expedition by sea, which shall blockade Galveston, demolish the city, exterminate the inhabitants, and thus, at once, spread consternation and dismay through every part of our country. This to be done, immediately upon the arrival of their two Steamers from New York and those expected from Great Britain.

I called yesterday upon the Secretary of the Navy and was informed by him that orders had gone to Commodore Connor to proceed forthwith with the vessels under his command, on a cruise to the Gulf of Mexico and along our coast. How far the presence of such a force in the Gulf, in connection with the protest which the United States Minister at Mexico has been instructed to make to the Mexican Government, concerning the renewal of hostilities at this time against Texas, a copy of which I presume you will have seen before this reaches you, will deter the contemplated hostile movements of our enemy future events must determine. In my opinion there will be no serious invasion either by land or sea, it is wise, however, to be prepared for any emergency that may arise.

It is not yet known, here, whether Mr Donnelson has accepted the appointment of *Chargé d’Affaires* to Texas, but it is presumed he has, and that he is now on his way to his post.

With the highest regard

I have the honor to be

Your Mo Obdt Servt.

CHAS. H. RAYMOND

SHANNON TO REJÓN.^a

^a October 14, 1844. See Donelson to Jones, December 6, 1844.

JONES TO REILY.

DEPARTMENT OF STATE
Washington [Texas] Oct 16th. 1844

To,

Col. JAMES REILY

*Chargé d'Affaires of the Republic of Texas**etc etc etc*

SIR,

You have been appointed Chargé d'Affaires of this Government to that of the United States and I have the pleasure to transmit you herewith your commission as such, your letter of Credence to be presented to the Secretary of State of that country, with a copy of the same ^a and also a full power to negotiate Treaties etc.

So soon as it may be convenient it is desired that you will repair to the City of Washington and assume the duties of that Legation. Mr. Raymond is now in charge of its duties and has its archives, and will on your arrival resign the former into your hands and place at your disposition the latter. Among the Archives you will find instructions for your governance. Others will be forwarded you from time to time from this Department

The subject of most pressing and immediate importance, is that of the aid and protection to be rendered this country by the United States in the event of a resumption of active hostilities by Mexico, under the pledges and assurances given, previous to intering into negotiations for the Treaty of Annexation. Should the Government of the United States not be willing to fulfill all those pledges in the most ample manner and to protect us both by sea and land, by the employment of a sufficient force in case of any hostile demonstrations on the part of our enemy, a knowledge of the fact must of course have a very considerable influence in determining the future policy of Texas in reference to annexation

The unfortunate death of Gen Tilghman A. Howard the U. S Chargé near this government has prevented my receiving the promised copies of the instructions sent to him and to Gov. Shannon Chargé to Mexico. I am consequently as yet ignorant of the precise course adopted by the Cabinet at Washington in reference to the application made to it some time since for a redemption of those pledges, when invasion was threatened by Mexico.

The President and Commissioners have returned from the Indian Council at Tawaccono Creek. A Treaty of Peace was concluded between Texas and, the Chiefs of the Comanches Wacos Caddos and several other tribes of Indians. The Commissioner on the part of the United States Capt Boone, unfortunately did not arrive in

^a A copy of this letter, dated October 16, 1844, is on file, but the other inclosures mentioned have not been found.

time to be present at the Treaty. This circumstance was very much regretted by the President, and he used every effort to detain the Comanches untill Capt. B. should arrive but without success. They were very restless probably under some alarm for their personal safety, and would not wait. You will explain this matter to the Secretary of State of the U. S. and prevent any misconception being placed upon the conduct of the President and Commissioners of Texas

I have the honor to be very Respy.

Your Ob Svt

(Signed)

ANSON JONES

JONES TO RAYMOND.

DEPARTMENT OF STATE

Washington Oct. 24th. 1844.^a

SIR,

I have the honor to inform you that the Hon. James Reily has been appointed Chargé d'Affaires of this Government to the United States. It is probable that Mr. Reily may reach Washington about the first of December next, when he will enter upon the duties of his office.

In the mean time you will be governed by the instructions you have heretofore received from this Dept.

I have the honor to be,

Very respectfully,

Your Obt. Servant,

(Signed)

ANSON JONES.

Hon. CHARLES H. RAYMOND,

Acting Chargé d'Affaires

etc. etc. etc.

SHANNON TO CALHOUN.^b

REJÓN TO SHANNON.^c

SHANNON TO REJÓN.^d

REJÓN TO SHANNON.^e

^a Received November 28. See Raymond to Secretary of State of Texas, December 4, 1844.

^b October 28, 1844. See Calendar of Correspondence with the United States in Part I.

^c October 31, 1844. See Donelson to Jones, December 6, 1844.

^d November 4, 1844. See Donelson to Jones, December 6, 1844.

^e November 6, 1844. See Donelson to Jones, December 6, 1844.

SHANNON TO REJÓN.^aREILLY TO JONES.^bRAYMOND TO JONES.^c

Dispatch No. 134.

LEGATION OF TEXAS

Washington D. C. Nov 27th. 1844

HON ANSON JONES

Secretary of State

SIR

Mr Brower, our Consul at New York, addressed me a note a few days ago informing me that business of importance called his attention to Europe for a few months, and requesting leave of absence from his Consulate from the latter part of this month until March or April next. I granted him the leave which he desired, and directed him to appoint some suitable person as Vice Consul during his absence. He has accordingly placed the business of the Consulate in the hands of his friend, William S. Pierson Esq., Counsellor at Law, who, he says, is a staunch friend of Texas, and every way worthy the confidence of our Government.

The two Mexican War Steamers, the "Montezuma" and the "Gaudalupe" and the brig of War "Santa Anna" sailed from New York the 24th. Inst for Vera Cruz.^d

Mr. Shannon, United States' Minister in Mexico, in a recent dispatch to his Government, says that Mexico is entirely without the means to make a move against us, and that there is a strong probability of an immediate revolution in that already distracted country.

It is important that the evidence concerning the illegal seizure of certain goods in the possession of the Collector of the District of Red River by citizens of the United States, for which indemnification has been demanded of this Government, should be prepared and transmitted to your Representative, here, as early as possible. This Government is now preparing the case to submit to Congress.

The latest communication which I have received from your Department is dated the 6th. of August, last.

I have the honor to be with sentiments of high regard

Your Mo. Obedient Servant

CHAS. H. RAYMOND

^a November 8, 1844. See Donelson to Jones, December 6, 1844.

^b November 10, 1844. See addenda to Calendar of Correspondence with the United States.

^c A. L. S.

^d See note b, p. 299.

ADDRESS OF DONELSON ON PRESENTING HIS CREDENTIALS^a

REPLY OF JONES TO DONELSON'S ADDRESS.^b

ADDRESS OF DONELSON'S TO HOUSTON.^b

REPLY OF HOUSTON TO DONELSON ADDRESS.^b

DONELSON TO JONES.^cWASHINGTON [TEXAS], *December 2d. 1844*

To the Honble

ANSON JONES

Secretary of State of Texas

SIR,

Finding among the instructions directed to this legation, by the Government of the United States, a despatch to the late Chargé d'Affaires, Genl Murphy, in relation to a complaint against the collector of the customs at Sabine in Texas, growing out of his attempt to collect Tonnage duties from the United States Schooners Louisiana and William Bryan, under circumstances of threatened violence, which resulted in an agreement by the Masters of those vessels to pay said duties, if the two Governments should decide that they were legally imposed: and not perceiving from the records of the legation that the views of my Government on the subject, if communicated to, received the consideration of, this Government, I avail myself of the earliest opportunity since my arrival to solicit your attention to it.

You will perceive, from the papers, herewith transmitted, showing the circumstances and character of the transaction, that the authority to collect those duties cannot be recognized by the United States, without a surrender of their jurisdiction of the waters of the Sabine Pass, Lake and river—a jurisdiction clearly acknowledged by the Treaty of limits between the United States and Spain, and necessarily resulting from the admission of the boundary line, since run and marked by duly appointed commissioners on the part of both Texas and the United States

Not supposing it can be intended to deny to the United States jurisdiction of the waters of the Sabine, from its mouth in the sea,

^a Undated, but presented during the latter part of November or the earlier part of December, 1844. See Calendar of Correspondence with the United States in Part I.

^b Undated. See Calendar of Correspondence with the United States in Part I.

^c A. L. S.

along its west Bank to the 32d degree of North latitude, as ascertained by the line referred to, it is presumed by my Government that this claim of tonnage duties was made without full consideration on the part of the collector, and without orders from the Government of Texas.

The President of the United States, therefore, doubts not that a mere statement of the facts of the case to this Government will produce such an order as will cancel the obligation required of the Captains of the Louisiana and William Bryan, and such instructions as will prevent hereafter a recurrence of like grievances. In conveying this expectation it cannot be necessary for me to dwell upon the tendency of such complaints to interrupt the friendly feeling between the citizens of the two Republics, which it is so much the wish of the two Governments to promote,—or to make assurances of the determination of my Government, in the exercise of its acknowledged rights, to obtain from every act which can be deemed questionable concerning the rights or even the feelings of the Government or people of Texas.

I have the honor to be, with sentiments of great
respect, your Excellency's very obedient servant

A J DONELSON

Mr. Cucullu to Mr. Spencer.

COLLECTORS OFFICE

New Orleans 26th April 1844

SIR

I have the honor to transmit to you, herewith, the Deposition of two American Captains and their mates, who were compelled by threats of being sunk, to land in Texas and there give their obligations to pay one dollar per ton to the Texian officer of the Customs, which they did under protest (No 2), also the reply of Hon Batie^a Peyton to a letter addressed to him on the subject by me.

This being a very grave matter and one likely to lead to very disagreeable results to both countries, I most respectfully request your instructions upon the subject at your earliest convenience.

I have the honor to be, very
respectfully, Your Obt Svt.

(Signed)

M. S. CUCULLU *Collector.*

Hon

JOHN C. SPENCER, *Secretary*
of the Treasury.

^a Balie.

Mr. Peyton to Mr. Cucullu.

OFFICE OF THE DISTRICT ATTORNEY.

April 26th, 1844.

SIR,

I am in receipt of your letter of the 25th inst transmitting copies of the depositions of two American captains and their mates, in the coasting trade, who while in the waters of the United States, in the Sabine, were compelled by threats of having their vessels sunk, to land on the Texas side, and there pay or give their obligation to pay to the Texian officer of the Customs, one dollar per ton. That the said Captains are about to clear for the Sabine, and not wishing or intending to stop at a foreign port, request instructions and protection from this office. And upon this subject you ask my opinion. This is a subject of grave importance, and one which more properly belongs to the Executive departments of the governments of the United States and Texas.

According to the treaty of 22nd February 1819, and the third article thereof, the boundary line between the two countries (Spain and the United States) west of the Mississippi; shall begin on the Gulph of Mexico, at the mouth of the River Sabine, in the sea continuing North along the *western bank* of that river to the 32nd degree of latitude, thence by a line due North to the Rio Roxo or Red River. And all the Islands in the Sabine and the said Red and Arkansas rivers, throughout the course thus described to belong to the United States, but the use of the waters, and the navigation of the Sabine to the sea, and the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the inhabitants of both nations.

From which it is clear that the United States own and hold sovereignty over the whole extent of the Sabine river up to the degree mentioned in the treaty and that it is a violation of her laws, and the rights of her citizens to molest or hinder them in the navigation of the waters of the Sabine river, under the circumstances mentioned.

I think that you should extend all reasonable protection to American vessels in the coasting trade, while navigating that river. The means to be used are to be determined on by yourself under the advice of the Department at Washington. And in the meanwhile I would suggest the propriety of resorting to no course which may have a tendency to produce violence or bloodshed, until the two governments of whose pacific and friendly disposition towards each other there can be no doubt, shall have an opportunity of giving instructions on the subject.

I am, very respectfully,

Your Obedient servant,

(Signed)

BALIE PEYTON.

To M S CUCULLU

Collector.

NEW ORLEANS *April 23d, 1844.**To the Collector of the Customs at New Orleans*

DEAR SIR,

The undersigned, Masters of the Schooners Louisiana and William Bryan, together with their Mates, do certify, that after having taken a cargo of Texas cotton on board, from Texas bottoms, while at anchor in the Sabine Lake, and in passing out of said Lake, we were forced to come to anchor by the firing of two large guns from the Texas Band,^a and demanded to pay one dollar per ton for the full tonnage of our vessels; and refusing to comply, were told by the Texas Collector that he would fire into, and sink us if he could. Having not the amount of any money with us to meet such demand and believing such to be no better than robbery upon the high sea, we made a written proposition, which the Collector accepted. Accompanying this is a duplicate. Hoping to be protected by our government in the United States, we submit this to your consideration believing in the mean time you will protect us from further trouble, from the same source, until the final settlement by the U. States.

We remain with esteem

Yours very respectfully

Master of Schooner Louisiana (signed)

Mate

Master of Wm Bryan

Mate

DANIEL B. EDDY

JNO W JONES

D. N. MOSS

ABNER BROWN

SABINE PASS

April 17th 1844

Whereas by a late act of Congress of the Republic of Texas, a Tonnage duty of one dollar per ton has been imposed upon foreign vessels, among which are included American vessels, and Whereas the American Schooner Louisiana, Daniel Eddy, Master, and William Bryan, D N. Moss, Master, now both lying in the Sabine pass, believing the imposition of said tonnage duty to be improper and not having the amount of Money required to be paid, nor any way of now obtaining the same, at this place and with a disposition to avoid all difficulty between the Collector of Customs at Sabine in Texas and the Masters of said vessels, it is hereby mutually agreed between the said parties that the Collector of Customs aforesaid William V C Dashiels^b Esq. hereby agrees to accept from the said Daniel Eddy and D. N. Moss, their respective promissory notes to be indorsed by each for the other for the respective sums of money due by them as tonnage money upon their vessels at this time, and which said notes are made a part of this agreement by consent of all parties to the

^a Bank (?)^b Dashiell,

same the said Collector acting in this matter for himself and for his government of the Republic of Texas, and the said Eddy and Moss, for themselves and the respective owners of their said vessels. Now the condition of this obligation is such that if the government of the United States and the Republic of Texas shall hereafter mutually agree that it is right and proper that the said tonnage money shall be paid by American vessels entering and departing from the Sabine Pass or Sabine Lake, having on board a cargo of cotton or other Texas produce, the same having been received on board while lying at a distance from the Texas shore, and taken on board from flat or keel boats entering said Lake or pass from the Sabine and Neches Rivers, then the said Eddy and Moss agree to pay said sums of Money as are expressed to be paid in said promissory notes, or should said governments agree that the said tonnage is not or should not [be paid], the said Collector or whosoever may be in possession of said notes shall deliver the same to said Eddy and Moss or their properly authorized agents. In witness whereof we have hereto set our hands and seals, this 17th day of April A. D. 1844.

(Signed)

D B. EDDY

D. N. MOSS

WM V C. DASHIELL, *Collector**District Sabine*

Witness

STEWART NEWELL

PETER STOCKHOLM

SABINE PASS

April 17th 1844

Dollars 96

We or either of us hereby promise to pay to W. C. V. Dashiell or his successor in office as Collector at Sabine Pass in Texas, ninety six dollars of the lawful currency of the Republic of Texas, so soon as the same may become due as expressed in the article of agreement entered into this day by said parties, and which is hereunto annexed

(Signed) D. N. MOSS

(Endorsed) D. B. EDDY

SABINE PASS *17th April 1844.*

Dollars 99

We or either of us hereby promise to pay to W. C. V. Dashiell (or his successor in office as Collector at Sabine Pass in Texas) ninety-nine dollars of the lawful currency of the Republic of Texas, as soon as the same may become due as expressed in the article of agreement entered into this day by said parties and which is hereunto annexed.

(Signed) D. B. EDDY

Endorsed D. B. MOSS

CALHOUN TO PRESIDENT OF UNITED STATES [TYLER].^a

CALHOUN TO RAYMOND.^b

RAYMOND TO CALHOUN.^b

RAYMOND TO THE SECRETARY OF STATE OF TEXAS [JONES].^c

Dispatch No. 135.

LEGATION OF TEXAS
Washington D. C. Decr. 4th. 1844

To the Honorable
SECRETARY OF STATE

SIR:

I had the honor, on the 28th. ultimo, to receive your dispatch of the 24th. of October, last, notifying me, that the Hon. James Reily had been appointed Chargé d'Affaires of Texas to the United States, and that he would probably reach this city about the 1st. of this month to enter upon the duties of his office. He has not yet arrived, nor have I heard from him since the 10th. ult, when he was in Ohio.

Enclosed herewith I transmit to your department a copy of the note of Mr Calhoun, Secretary of State of the United States, and my reply thereto, respecting the evidence required in the case of the outrage committed by certain citizens of the United States upon the Collector of the District of Red River. This case, together with the Snively affair, has been brought to the attention of Congress in the President's Message, in order that the necessary appropriations, for the indemnity demanded by our Government, may be made; and it is hoped you will soon enable your Representative, here, to communicate the evidence alluded to, to this Government for the information and action of its Congress.

I also enclose you a copy of the annual message of the President of the United States to both Houses of Congress,^d which was communicated to them on yesterday. It recommends, as I anticipated, the adoption of a joint resolution embracing the terms of the late treaty of annexation.

It is altogether uncertain what will be the action of the present Congress on this subject, but I am firm in the belief that, if it remain unsettled until Mr. Polk comes in, he will, at once, convene an extra

^a December 2, 1844. See Calendar of Correspondence with the United States in Part I.

^b December 2, 1844. See Raymond to Jones, December 4, 1844.

^c A. L. S.

^d See Richardson, *Messages and Papers*, IV, 334 *et seq.*

session of Congress, which will carry the measure by a large majority, unless, in the mean time, Texas, herself, interpose some obstacle to its consummation. Annexation is the great and all-absorbing question of the day in this country. The whole south and a considerable portion of the north are in its favor and determined on its accomplishment. It will be for Texas to say whether she will consent to annexation, and upon what terms.

I send you by the mail of to day the "National Intelligencer" of this morning, and the "Globe" of yesterday and to day, from which you will gather their views of the President's Message.

I will continue to send you the newspapers and to keep you advised of every thing important that occurs.

I have the honor to be with great regard

Your Obedient Servant

CHAS. H. RAYMOND

(Mr Calhoun to Mr Raymond.)

DEPARTMENT OF STATE

Washington Decr. 2nd. 1844

SIR:

In a note which I had the honor to address to Mr Van Zandt, late Chargé d'Affaires of Texas, dated the 14th. of August, last, in relation to the outrage alledged to have been committed by certain citizens of the United States in the Collectoral District of Red River, I requested that, in order to a final adjustment of the difficulty, this Department should be furnished with "all the evidence which may be required to establish, authentically, the facts of the illegal introduction of the goods,—their forcible seizure and taking away, by the citizens of the United States, and the amount of damage suffered in consequence; to be transmitted by the President to Congress with his Message."

In Mr Van Zandt's reply, dated the 16th. of the same month, he observes:—"The testimony refered to, as necessary to be transmitted to Congress with the Message of the President of the United States will be furnished at the earliest day possible."

Congress being now assembled, I respectfully invite your attention to the subject, and request that the evidence refered to, if it has been received, may be communicated to this Department in order that the same may be transmitted with the President's Message to morrow.

I have the honor to be, with high consideration,

Sir,

Your Obedient Servant

(Signed)

J. C. CALHOUN

To C. H. RAYMOND Esq

etc, etc, etc

(Mr Raymond to Mr Calhoun.)

LEGATION OF TEXAS
 Washington Decr. 2nd. 1844

SIR:

In reply to your note of to day requesting that the evidence establishing, authentically, the facts of the outrage alledged to have been committed by certain citizens of the United States in the Collectoral District of Red River if in my possession, might be communicated to your Department in order that the same might be transmitted, to-morrow, with the President's Message to Congress, I have the honor to inform you that the evidence alluded to has not yet been received, but there is every reason to believe it soon will be, when I will lose no time in furnishing you with it.

With assurances of my very distinguished consideration, I have the honor to be

Your Obedient Servant

(Signed)

CHAS. H. RAYMOND

To Hon. J. C. CALHOUN

etc, etc, etc

 DONELSON TO JONES.^a

LEGATION OF THE UNITED STATES
 WASHINGTON, TEXAS,
 Decr. 6th. 1844

Honble

ANSON JONES

Secy of State of Texas

SIR,

The Undersigned Chargé d'Affaires of the United States to Texas, has the honor to inform you, that he received last evening by the hands of a special messenger, Genl Green, copies of the correspondence which has taken place between the Minister of the United States at Mexico and that Government, in relation to the invasion of Texas and to the mode of conducting it, as threatened by the authorities of Mexico. In order that this Government may have full information on a subject of such vital importance to the interests of Texas, and may see with what fidelity the President of the United States meets the responsibility incurred by the invitation which led to the Treaty of Annexation, the undersigned begs leave to submit copies of this correspondence to you.

The undersigned, not to postpone the delivery of these papers to the Government of Texas, will defer for a day or two the observations

^a A. L. S.

which they appear to call for from him, as bearing upon the question of annexation; and in the mean time has the honor to subscribe himself

with considerations of the highest
respect, Yr. very obt sevt

A J DONELSON

[The enclosures referred to in the letter are Shannon to Rejón, October 14, 1844; Rejón to Shannon, October 31, 1844; Shannon to Rejón, November 4, 1844; Rejón to Shannon, November 6, 1844; Shannon to Rejón, November 8, 1844.^a]

JONES TO DONELSON.

DEPARTMENT OF STATE,
Washington [Texas], Decr. 7th. 1844

The undersigned Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the note Mr. Donelson Chargé d'Affaires of the U. States, communicating copies of a correspondence which has recently taken place between Mr. Shannon, Minister of the United States, at Mexico, and that Government, in relation to the invasion of Texas and the mode of conducting the war, as threatened by the authorities of Mexico.

In acknowledging the receipt of these communications, the undersigned is happy, also, to bear testimony to the fidelity which they evince, on the part of the Government of the U. States, in carrying out the pledges, given to this, previous to entering into the Treaty of Annexation, and the government of Texas will, at Mr. Donelson's convenience, be much gratified to receive the suggestions which they may appear to him to call for as bearing upon the important question of annexation.

The undersigned embraces, with great pleasure, the present occasion to tender to Mr. Donelson, assurances of the high respect with which he has the honor to be

His Mo. faithful and Obt Servant

(Signed)

ANSON JONES

ALLEN TO REILLY.^b

[Giving the personnel of the new administration.]

^a None of these are on file with the letter, but all are transcribed in the Records of Department of State (Texas), Book 43, pp. 8-30. See also Calendar of Correspondence with the United States in Part I.

^b December 9, 1844.

DONELSON TO ALLEN.^aDONELSON TO SECRETARY OF STATE [ALLEN, AD INTERIM].^b

WASHINGTON [TEXAS] Decr 10th 1844

To the Honble.

SECRETARY OF STATE OF TEXAS.

SIR,

Col Taylor of Arkansas, now at Mrs Lockhart's, who is in pursuit of the men described in the within proclamation, as refugees from the United States, has requested me to ask for a renewal of it by the present Executive of Texas.^c His opinion is that it will make more sure the arrest; and seeing no impropriety in the request, I have therefore consented to make it in this informal manner.

I have the honor to be, with sentiments of great respect,

Your obedient servant,

A. J. DONELSON

Chargé d Affaires of the United States to Texas.

ALLEN TO DONELSON.^d

DEPARTMENT OF STATE

Washington [Texas], Decr 11. 1844

HON A J DONELSON

Chargé d'affaires of the United States

etc. etc. etc.

SIR,

The undersigned, Attorney General of the Republic of Texas, charged, ad interim, with the direction of the Department of State, has the honor to acknowledge the receipt of the note, which Mr Donelson, Chargé d'Affaires etc., did him the honor to address to him, under date of 10th inst. requesting a renewal of a certain Proclamation, heretofore issued by His Excellency, President Houston, and to enclose, herewith, the Proclamation, as requested.

The undersigned avails himself of this occasion to offer to Mr Donelson the assurances of his distinguished consideration

E ALLEN

ALLEN TO DONELSON.^e

^a December 10, 1844. See addenda to Calendar of Correspondence with the United States.

^b See Records of Department of State (Texas), Book 43, p. 33.

^c The proclamation has not been found.

^d See Records of Department of State (Texas), Book 44, p. 234.

^e December 13, 1844. See addenda to Calendar of Correspondence with the United States.

DONELSON TO ALLEN.^aLEGATION OF THE UNITED STATES
WASHINGTON, TEXAS

Decr. 13th. 1844

The Honble

E ALLEN

Actg Secy of State of Texas

SIR,

The undersigned Chargé d'Affaires of the United States, begs leave respectfully to invite the attention of the Honble Mr Allen to the ninth section of the act entitled an act supplementary to an "act to raise a revenue by import duties," whereby an additional duty of five per cent is levied on goods imported in American vessels in the ports of Texas.

The undersigned anxious to improve the intercourse between the two Republics, and satisfied that the discrimination in the act referred to, against the United States, whilst it lessens that intercourse is productive of no advantage to the revenue of Texas, would respectfully suggest that a further consideration of the subject may lead the Executive of Texas to take the same view of it, and, if so, result in a recommendation to Congress to modify the act so far as it relates to the vessels of the United States.

The undersigned trusts that this suggestion will be received as a proof of the desire of the United States, to promote by all the means within their power an advantageous trade between the two countries, which is one of the surest bonds of their friendship, and he has the honor to be with sentiments of the highest regard

Yr. very obt svt

A J DONELSON

POINTS TO BE INSISTED ON IN ANNEXATION.^b

Full community of interests.

A territory.

Assumption of national debt, or not. If not assumed, we to retain our public domain.

Texas hereafter to comprise as many states as the U. States may think proper.

In running the line between the U. S. and Texas, where lands fell into the U. S., by misapprehension of claimants in their locations,

^a A. L. S.^b The original is written on a loose sheet which was filed separately, and there is nothing to show how it was used. It is endorsed "Points to be insisted on in the annexation measure which may be passed by the U. S. Congress."

that they are to be reimbursed upon the same principles of equity, that citizens of the U. S. falling into Texas were reimbursed by the latter.

Public debt not to exceed 10,000,000.

Public liabilities to be redeemed at the *price at which they were issued*.

If the above points should be set forth and guarded specially in the joint resolution to be passed by the Congress of the United States in the bill for the annexation of Texas, I have no doubt that it would add greatly to the satisfaction of the people of Texas, and secure their ratification of it.

DECEMBER 13th. 1844.

Washington, Texas.

RESOLUTION OF INQUIRY ADOPTED BY UNITED STATES SENATE.^a

RAYMOND TO JONES.^b

CALHOUN TO RAYMOND.^c

DONELSON TO CALHOUN.^d

RAYMOND TO CALHOUN.^e

RAYMOND TO THE SECRETARY OF STATE OF TEXAS [ALLEN ACTING].^f

No. 136

LEGATION OF TEXAS

Washington D. C. Decr. 30th. 1844

To the Honorable

SECRETARY OF STATE

Enclosed herewith I have the honor to transmit a copy of the note of Mr Calhoun, Secretary of State of the United States, of the 23rd. inst, and of the Resolution of the Senate which accompanied it, seeking for information in regard to our public debt and public lands, and also a copy of my reply to to the same.

In answer to his inquiry, I stated that the revenues of the Government for the last *four years* has equalled its expenditures. In Janu-

^a December 16, 1844. See Raymond to Secretary of State of Texas [Allen acting], December 30, 1844.

^b December 17, 1844. See Calendar of Correspondence with the United States in Part I.

^c December 23, 1844. See Raymond to Secretary of State of Texas [Allen acting], December 30, 1844.

^d December 26, 1844. See Calendar of Correspondence with the United States in Part I.

^e December 27, 1844. See Raymond to Secretary of State of Texas [Allen acting], December 30, 1844.

^f A. L. S.

ary 1841 the Committee on Finance estimated the public debt at \$7,000,000. The appropriations for that year were in bonds bearing 8 per cent interest, amounting in all to about \$600,000, which, if I am not greatly mistaken, was less than the amount paid into the Treasury during that year. The expenses of Genl. Houston's late administration, have, as I understand, fallen short of the revenue collected in that period. In view of these facts I felt warranted in the statement which I made.

As you will perceive, by an abstract of the proceedings of Congress contained in the newspapers which I have from time to time sent to you, several joint resolutions, having for their object the annexation of Texas to this Union, have been introduced into both the Senate and the House of Representatives, and referred to the appropriate Committees. Mr Weller's resolution seems to meet with the most favor. It discards the consent of Mexico and the subject of slavery;—matters which rendered Col. Benton's bill so exceptionable to many of the friends of the measure.

The "Texas question" will, according to previous arrangement, come up to day, in the House for discussion. I think Mr C. J. Ingersoll of Pa is entitled to the floor. I will be particular in sending you the debates, for you doubtless feel great interest in all that concerns this vitally important subject.

The recent correspondence between Mr Shannon, the United States Minister, in Mexico, and Mr Rejon, the Mexican Secretary of State, has ceased to excite much interest. It is supposed Mr Rejon wrote under the confident expectation that Mr Clay would be elected President of this Republic, and that his defeat will have a tendency to moderate the tone of the Mexican Government, and perhaps induce it to withdraw its insulting and highly offensive note.

Colonel Reily has not yet arrived.

I have the honor to be, with great consideration,

Your Obedient Servant

CHAS. H. RAYMOND

[Here follows a copy of the Senate resolution of December 16, 1844,^a transmitted by Calhoun with the letter which comes next.]

(Copy.)

DEPARTMENT OF STATE
Washington 23rd. December 1844

SIR,

I have the honor to transmit, herewith, a copy of a Resolution adopted by the Senate on the 16th. inst, calling on the President for certain information in regard to the public debt and the public land of Texas.

^a See *Cong. Globe*, 28 Cong., 2 Sess., p. 35.

I invite your attention, particularly, to the two subjects of inquiry, first, whether the public debt of Texas has been increased since the signature of the Treaty of Annexation in April, last;—and, *second* whether there have been any additional grants of the public domain since that period.

In replying to these inquiries, if you have any information in addition to that heretofore communicated by the Texan plenipotentiaries, Messrs Van Zandt and Henderson, in reference to the other subjects referred to in the Resolution, I would also thank you to communicate the same to this Department.

I have the honor to be, with high consideration, Sir,

Your Obedient Servant

(signed) J. C. CALHOUN

To

C. H. RAYMOND Esq
etc., etc., etc.

(Copy.)

LEGATION OF TEXAS

Washington December 27th. 1844

SIR,

I have had the honor to receive your note of the 23rd. Instant inviting my attention to certain subjects of inquiry, based on a Resolution adopted by the Senate of the United States on the 16th. instant, calling on the President for information in regard to the public debt and the public lands of Texas, a copy of which accompanied your note.^a

And in reply to the first inquiry, as to whether her public debt has been increased since the signature of the Treaty of Annexation in April, last, I have the honor to state that, from information and data, in my possession, procured from Official and other sources, I am fully persuaded, that her revenues since that period have equalled, if not exceeded, her expenditures; and that such has also been the case for the last four years. I have therefore no hesitancy in saying that her public debt has not been increased since the period referred to, except from the interest which has accrued upon a portion of it.

In answer to the second inquiry as to whether there have been any additional grants of the public domain since April, last, I can only state that, if there have been any, they have not come to my knowledge. I know of but one law authorizing the Government to make grants of land, and that has been in force about four years. It authorizes the Government to issue land scrip, in redemption of its liabilities, at the rate of two dollars per acre. Only a few of the holders of these liabilities, have heretofore availed themselves of its

^a See *Cong. Globe*, 28th Cong., 2d Sess., p. 35.

provisions. If however they have done so within the last few months, the effect, as you will readily perceive, has been to decrease the public debt double the amount of the number of acres of land scrip thus issued.

I have nothing further to add to the information heretofore communicated to you by the Texian plenipotentiaries, Messrs Van Zandt and Henderson, in their note of the 15th. of April, last, on the other subjects embraced in the Resolution of the Senate, but will merely state, in explanation of the report of the Commissioner of the General Land Office of Texas, which was referred to in their note, that, in his general estimate of "Lands Appropriated," all the legal or equitable land claims however and whenever originated, for which the faith of that Republic stood pledged, are intended to be included.

I have the honor to be with distinguished consideration

Your Obedient Servant

CHAS. H. RAYMOND

WILLIAMS, THURSTON, AND MEGGERSON TO GREEN.^a

RAYMOND TO JONES.^b

ALLEN TO DONELSON.

DEPARTMENT OF STATE,

Washington, [Texas,] Jan'y 4th 1845

The undersigned, Attorney General of the Republic of Texas, Charged, ad interim, with the direction of the Department of State, has the honor to congratulate Mr. Donelson, Chargé d'Affaires of the United States etc. etc. on his return, after a temporary absence, to his residence near this Government, and avails himself of the occasion to transmit to Mr. D. the enclosed copy of a proclamation recently issued by His Excellency, the President of the Republic of Texas, revoking the *Exequatur* of Duff Green, Esq., as Consul of the United States for Galveston.^c For the satisfaction of Mr. D., and to enable him to present the matter with its incidents to the consideration of his Government, should he deem it expedient, so to do, the undersigned, subjoins a statement of the causes and circumstances, which induced a revocation of the recognition by this Government of Mr. Green's authority as Consul.

Early during the present session of our national legislature, Mr. Green fixed his residence at this place, and has ever since been

^a January 1, 1845. See Donelson to Allen, January 20, 1845.

^b January 1, 1845. See Calendar of Correspondence with the United States in Part I.

^c See *Telegraph and Texas Register*, January 8, 1845.

industriously occupied in endeavouring to procure the sanction of Congress to certain projected measures, in the consumation of which, he has manifested strong personal interest, by availing himself of frequent private interviews with members of that body, to influence their public and legislative course, in aid of his favorites schemes. One of the projects thus originated and prepared by Mr. Green, was brought before the Senate, in the form of a bill for the incorporation of an institution, to be styled "The Texas Land Company,"—among the powers of which, under a perpetual charter, was that of acquiring, holding and disposing of real estate to an unlimited amount—connected with those privileges and rights usually enjoyed by Insurance, Rail-Road, Life-Insurance and Trust Companies, and which constitute the peculiar and distinguishing features of such corporations; together with the power and capacity to monopolize the exclusive and perpetual use of all our navigable streams.

Another was a plan for the charter of the "Del Norte Company," so to be called, also projected by Mr. Green, and designed to become a law by the action of the legislature, but which has not as yet been presented to Congress;—having in part for its object, the conquest and occupancy in behalf of Texas, of the Californias, and the Northern Provinces of Mexico, by means of an army aided by some sixty thousand Indian warriors, to be introduced from the United States upon our Western frontier.^a

In furtherance of these schemes, and to obtain for them the formalities and color of legislative sanction, Mr. Green, solicited the aid and influence of the Executive; and at an interview which he sought with the President at the Executive Department, on the 30th. ultimo, as well as on some previous occasions, he endeavored to induce His Excellency to exert his influence to effect the objects specified; first,—by an offer of portions of the corporate stocks of the projected companies; and, secondly,—by a threat to revolutionize the country and overthrow the existing government, in the event of His Excellency's refusing to accede to the proposal.

Coupled with this threat, Mr. Green, took occasion to boast of the ease with which he could execute it; observing that the excitement among our citizens on the subject of annexation, manifested by the mass meetings of Matagorda and Brazoria, together with the alarm, which could be readily aroused by exhibiting to their minds the dangers to which our republican institutions would be exposed, in consequence of the great influx of Europeans into our territory, and the facility with which they would become entitled to the privileges of citizenship, presented an inviting field for revolutionary operations.

In consequence of these circumstances, the confidence before that time entertained by the President, in the fitness of Mr. Green for the

^a Cf. Green, *Facts and Suggestions*, 85-86.

station assigned to him, as Consul, was necessarily destroyed; and His Excellency, however, regretting the emergency, was compelled in justice to his own convictions, to withdraw the *Exequatur*, referred to; believing that its continuance, not required by the principles of amity or courtesy which have ever distinguished the intercourse and relations of the two governments, would serve only as a false manifestation of executive confidence, the existence of which had ceased; and that its revocation, not being inconsistent with any of those principles, presented in the present instances the mildest form for the expression of Executive disapprobation.

The President, being impressed with the belief, that the mode of proceeding adopted by him in this case, in reference to Mr. Green, is not susceptible of such a construction, as to render it in any degree objectionable to the Government of the United States, directs the undersigned, to express to Mr. Donelson, the continued and earnest desire of His Excellency to preserve and promote the mutual relations of concord and friendship which subsist between the two Governments, and the harmony which characterizes the intercourse of the citizens of each with those of the other, and his high personal esteem and regard for Mr. D.; in announcing which, the undersigned avails himself of the occasion to renew to Mr. Donelson the assurance of the distinguished consideration with which, the undersigned has the honor to remain

His Obedient Servant

(Signed)

EBENR. ALLEN.

Hon. A. J. DONELSON

Chargé d'Affaires of the U. States
etc. etc. etc.

RAYMOND TO CALHOUN.^a

RAYMOND TO ALLEN.^b

Dispatch No. 137.

LEGATION OF TEXAS

Washington D. C. Jan'y 4th. 1845

Hon EBENEZER ALLEN

etc, etc, etc

SIR

Your dispatch of the 9th. ultimo to Hon James Reily, who has not yet arrived in this City, announcing the fact, that on that day a new Administration of the Government of Texas had commenced, was received on the 2nd. Instant.

^a January 4, 1845. See Raymond to Allen, January 4, 1845.

^b A. L. S.

I have communicated this change of administration to the Secretary of State of the United States, with such expressions of friendship and consideration on the part of the President towards this Republic and its President as the occasion seemed to authorize. This, as you know, is the usual practice, and in accordance with the comity of nations; and as you gave no special instructions on the subject, I inferred your wish that the usual course might be observed and pursued. I have the honor to enclose herewith a copy of the communication alluded to, which I hope will be satisfactory to your Department.

On yesterday I dined at the President's, and embraced the opportunity to learn what were his own and his Cabinet's views in regard to the probability of a joint resolution for the annexation of Texas being passed by this Congress. They strongly incline to the opinion that such a resolution will pass both Houses the present session.

The discussion of the question was opened on yesterday in the House by Mr Ingersoll, Chairman of the Committee on Foreign [Affairs], in an able and eloquent speech in its favor. The debate was continued to day but I have not had time to listen to it. The measure gains strength from day to day, and unless the Whig party cease their opposition and permit it to pass, it will grind them to powder.

I have had no intelligence of Mr Reily since the 23rd. ultimo, when he was in Lexington, Kentucky.

Hon. Ashbell Smith came passenger in the last Steamer from Europe, and I suppose is now in Boston or New York.

I have the honor to be with assurances of my high consideration,

Your Most Obedient Servant

CHAS. H. RAYMOND

[Then follows a copy of Raymond to Calhoun, January 4, 1845, announcing the *personnel* of the new administration in Texas and conveying friendly greetings.]

DONELSON TO ALLEN.^a

LEGATION OF THE UNITED STATES,

Washington [Texas,] *Jany. 6th. 1845*

The undersigned, Chargé d'Affaires of the United States, has had the honor to receive the communication addressed to him on the 4th. inst, by the Honble Mr Allen, charged *ad interim* with the direction of the Department of State of Texas, congratulating him on his return to his residence near this Government, and stating the circumstances which led to the revocation of the Exequatur granted to

^a A. L. S.

Duff Green Esqr on the 5th. October 1844, as consul of the United States for the port of Galveston.

The undersigned will avail himself of the earliest occasion to transmit to his Government the explanation which has been furnished by the Honble Mr Allen of the transaction referred to, and is glad to perceive that it rests on causes, which, much as they are to be regretted, do not interrupt the friendly relations existing between the Governments of the two countries. Mr Green, soon after his arrival here, as bearer of despatches from Mexico, when questioned by the undersigned, as to the state of his consular duties, remarked that he was about to become a citizen of Texas, and having appointed a vice consul at Galveston, had informed his Government that he did not wish his name to be presented to the Senate of the United States for confirmation in the office, and that he would perform no further official act. Under these circumstances the undersigned did not feel it his duty to take cognizance of Mr Green's absence from Galveston, particularly as he knew that the duties pertaining to his office, in the present state of the trade between the two countries were very light even for a vice consul. It will be recollected also that previous to his late departure for New Orleans, the undersigned mentioned verbally to His Excellency the President of Texas that Mr Green had no authority in any manner to represent the Government of the United States.

These facts are stated for the purpose of showing that Mr Green, although within the range of the responsibility imposed by an *Exequatur* from this Government, was practically only a new comer into Texas with the intention of acquiring the rights of citizenship. In this light then, the objectionable conduct imputed to him, ceases to have any higher importance than what belongs to his individual, private, character; and the undersigned is happy to be assured that his Excellency the President regards it as involving no interruption of those relations of amity and courtesy which in the intercourse of the Government and people of the two Republics, are so necessary to their reciprocal interest and welfare.

As to the measures sought to be accomplished by Mr Green, under the authority and sanction of this Government, the undersigned feels it to be his duty to say that he had no knowledge of them, and participated in them, in no wise, directly, or indirectly, either as a public officer or as a private individual. Indeed those measures conflict essentially with the course of policy which the undersigned, if consulted, would have suggested as the most expedient for Texas at the present period. As the friend of reannexation he certainly could not have thought of a step, the effect of which would be to countenance the idea that the country between the Rio del Norte and the Pacific ocean was to be invaded and severed by another revolution from

Mexico. To check such speculations—to give a more safe direction to the spirit of adventure already too much aroused by the weakness and short sighted policy of Mexico—and above all to secure to the people of Texas the blessings of peace and independence, under the guarantee of incorporation into the American Union, have been the aim and scope of all the counsel which the undersigned has ventured to offer.

Any policy which would raise new issues, which would entangle Texas in new enterprises calling for further aid in money or munitions of war, would be contrary to what the undersigned has supposed to be the wish and interest of Texas, because it would add new impediments to the success of the measures yet necessary to secure reannexation to the United States, and jeopard in other respects her ability to maintain her present elevated position.

The undersigned having felt it his duty to make these observations, begs leave to add that he will submit to Mr Green the reasons for the revocation of the *Exequatur*, under the hope that some explanation consistent with his honor and acceptable to his Excellency the President, will be made by him, not on the public account, but that imputations so deeply effecting his standing may be removed if they appear not to be merited

Appreciating highly the personal regard expressed for him by the President, the undersigned begs leave to say in reply to the Honble Mr Allen, that it is most sincerely reciprocated, and he trusts will continue to uphold him in the performance of all his duties near this Government; and the undersigned begs Mr Allen to accept for himself also assurances of his high consideration and regard

He has the honor to be very
respectfully his obt sevt

A J DONELSON

Honble EBENEZER ALLEN

Secretary of State ad interim of Texas
etc. etc. etc.

CALHOUN TO RAYMOND.^a

ALLEN TO [RAYMOND.]

DEPARTMENT OF STATE,
Washington, [Texas,] 10th. Jan'y 1845

SIR,

I have the satisfaction to acknowledge the receipt of the several dispatches addressed by you to this Department, under dates of the

^a January 8, 1845. See Raymond to Allen, January 11, 1845.

26th.^a and 27th of November last, and of the 4th. ultimo:—the latter enclosing a copy of the annual message of His Excellency, the President of the United States, and also copies of the note of Mr. Calhoun Secretary of State etc. and your reply to the same, on the adjustment of the difficulties originating in the Collectorial District of Red River; and the evidence to be furnished by this Department to the Department of State of the United States, to establish the facts of the case, and the amount of damages sustained by this Government in consequence. The purport of that portion of His Excellency's Message, which treats of the relations existing between the two Governments, and of measures, in the opinion of His Excellency, best calculated to secure and hasten the annexation of Texas to the United States,^{*} are regarded with approbation by the Executive of this Republic; who perceives with feelings of peculiar satisfaction, that the suggestions and views of His Excellency, Mr. Tyler, contained in the message referred to, correspond with the elevated and ingenuous policy, which has preeminently distinguished his administration, whenever its influence could be properly brought to operate upon the affairs and interests of Texas. Although the fond hopes formerly entertained and frankly expressed by the citizens of the latter country, that the Star Spangled banner of our father land would this day, wave over them, have been checked and deferred:—yet, be the final result of the negotiations tending to such a consummation, what it may; the able and distinguished efforts of His Excellency's administration to secure the rich and abiding fruits, sure to grow out of *annexation* effected upon a proper basis; and to enure mutually and reciprocally to the benefit of both countries, will ensure to Mr. Tyler the lasting gratitude of the people of Texas. His policy of *annexation may or may not* attain its object, depending for success as it does upon the contingent and uncertain modification and harmony of conflicting interests and opinions, beyond the control of either government and inseparable from the republican institutions of each; but in its triumph or defeat, Mr. Tyler and his distinguished supporters in the cause of annexation, will receive, as a *mede [sic]*, if inferior to their high deserts, still, it is hoped, not worthless in their estimation, the enduring tribute of a nation's thanks. Your reply to the enquiries so frequently addressed to you by Members of Congress and others in the United States, relating to the present views of this government in regard to annexation, as communicated in your private dispatch, under date of the 17th. ultimo,^b the receipt of which the President directs me to acknowledge, meets his entire approbation; and was conceived in terms corresponding with the existing relations and the state and progress of the negotiations between the two governments,

^a Addressed to Jones.

^b Addressed to Jones. See Calendar of Correspondence with the United States in Part I.

touching that subject. Should the present session of the Federal Congress pass by without fixing upon some definite, tangible and eligible mode for carrying into effect the projected scheme of *annexation*, it is highly probable that the people and Government of Texas, yielding to the natural influence of disappointment, and to an irresistible reaction consequent upon procrastination, would feel compelled to consider their connexion with the measure dissolved.

The evidence required by Mr. Calhoun touching the case before referred to, will be furnished by this Department at its earliest possible convenience, and will, as I trust, be forwarded in season for the necessary action of the Congress of the United States upon the subject, at the present session. In as much, however, as all the witnesses conusant^a of the necessary facts, reside some four hundred miles distant from our Seat of Government, some time must necessarily elapse before the requisite testimony can be obtained and forwarded.

I am

Dear Sir

With sentiments of great esteem

Your Obedient Servant

E. ALLEN *Attorney General*
of the Republic and Secty of State, ad interim.

RAYMOND TO ALLEN.^b

Dispatch No. 138.

LEGATION OF TEXAS
Washington D. C. Jany 11th. 1845

Hon E. ALLEN

etc. etc. etc

SIR

Enclosed herewith, I have the honor to transmit a copy of the reply of the Secretary of State of the United States to my note of the 4th. instant communicating intelligence of the commencement of a new Administration of our Government.

The discussion on the resolutions for the annexation of Texas to this Union still continues in the House of Representatives. I understand the vote upon them will be taken next tuesday, when they will undoubtedly be passed by a small majority; and I shall be disappointed if they do not also pass the Senate during the present session.

Hon Ashbel Smith arrived in this city on tuesday, last, and contemplates leaving for Texas the first of the ensuing week.

I have had no intelligence of Col Reily since the 23rd. ultimo, when, as I before informed you, he was in Lexington Kentucky.

^a Cognizant.

^b A. L. S.

I find that my private affairs are in a condition to require my personal attention, and to make it desirable that I reach home by April, next. I therefore beg leave, most respectfully, to tender, through you, to His Excellency the President this my resignation, and request that it take effect on the 1st. of March, next. I trust that Congress will make the necessary appropriation for my salary up to that time.

I have the honor to be with high regard,

Your Most Obedient Servant

CHAS. H. RAYMOND

[Inclosed is a copy of Calhoun to Raymond, January 8, 1845, acknowledging the receipt of Raymond's note of January 4.]

HOUSE RESOLUTION ASKING FOR INFORMATION ABOUT TEXAN DEBT, ETC.^a

ALLEN TO [RAYMOND.]

DEPARTMENT OF STATE,
Washington [*Texas*], 16th. Jan'y 1845^b

SIR,

A letter from Messrs L. H. Williams and B. Sloat, Indian Agents in the service of the Government, addressed to Major Thos. G. Western, Superintendent of Indian Affairs, under date of the 6th. Jan'y inst., has just been laid before the Executive; from which, it appears, that the two children of Mrs Simpson, stolen by Indians from Austin, on the Colorado early in November last, are now in the possession of the *Waco* and *Toweash* or *Wichita* Indians, encamped in the *Wichita* mountains, about 550 miles northerly from this City; in the Territory of the U. States.

The agents above named were sent out, immediately after the news of the outrage reached the ears of the President, for the purpose of seeking and recovering those children from their Indian captors; but having reached a point some 200 miles above this place, they found it impossible to proceed;—the prairies for hundreds of miles across which they must travel, being at this season, destitute of grass, and furnishing no food for their horses. They will recommence their journey so soon as the grass shall spring up, and will reach Fort Towson early in the spring. Congress has by a Joint Resolution approved on the 31st ultimo, appropriated and placed at the disposal of the President the sum of \$300 for the redemption of these captive children.

^a January 14, 1845. See Raymond to Allen, January 27, 1845.

^b Received February 9. See Raymond to Allen, February 18, 1845.

The President directs that you communicate this intelligence to the government of the United States and request the aid of its authorities to effect the release of the prisoners through the agents or otherwise, from the Indians, and cause them to be conveyed to Fort Towson or some other point where they can be delivered to our agents and restored to their home and friends. All necessary expenses attending a cooperation on the part of the authorities of that government to recover those captives, will be promptly paid if within the appropriated amount, and should it exceed that amount, a sufficient sum will be no doubt appropriated to meet the excess.

The prisoners are William, a son and Jane, daughter, of Mrs Simpson, a widow lady residing at Austin—The former about twelve and the latter about fourteen years of age.

The tribe with which the Wacos are encamped in the mountains are known indifferently as the *Toweash* or *Wichita* Indians, and it is hoped that the foregoing information, with such assistance as the President doubts not will be cheerfully accorded by the Government of the U. States, will lead to the speedy release of these youthful captives from their savage masters, who delight to aggravate rather than relieve the afflictions and sufferings of their prisoners.

I have the honor to remain

Very truly

Your Obt. Servt.

(Signed)

EBENR. ALLEN

*Atty Genl. of the Republic of Texas and
Sec'y of State, ad interim.*

RAYMOND TO ALLEN.

Dispatch No 139.

LEGATION OF TEXAS

Washington D. C. 16th. Jany 1845

Hon E. ALLEN

etc. etc. etc

SIR:

I have just received a letter from the Hon James Reily dated at Lexington Ky. on the 10th. inst. informing me of his intention to leave that place for Texas on the 13th. instant. I infer from it that he has declined his appointment of Chargé d'Affaires to the United States.^a

My resignation was tendered under the expectation that he would be here to relieve me by the time I desired it to take effect. If under

^a The Texas Senate had refused to confirm Reily's appointment, because he was believed to be opposed to annexation. See Smith to Reily, February 10, 1845, which is excluded from this series as belonging rather to the Domestic than the Diplomatic Correspondence of the Republic of Texas.

present circumstances, the Government desire me to remain longer than to the 1st. of March next, I will endeavour so to arrange my private affairs as to make it convenient for me to do so.

The debate on the "Texas question" has not yet terminated. Mr Foster of Tennessee has introduced in the Senate, and his colleague, Mr Milton Brown, in the House, a joint resolution to annex Texas, which seems to be acceptable to most of the democratic, and many of the whig members of both Houses.

I entertain strong hopes of a favorable action on the question before the close of the present session.

Hon Ashbel Smith left this city on the 13th. instant for Texas.

I have the honor to be with high consideration

Your Most Obedt. Servt.

CHAS. H. RAYMOND

DEPOSITION OF WRIGHT.^a

DEPOSITION OF BOURLAND.^a

ALLEN TO RAYMOND.

DEPARTMENT OF STATE,
Washington, 20th. Jan'y 1845.^b

SIR,

Having at length received the testimony required, for the final adjustment of the claim of this Government on that of the United States originating in the seizure of goods, by the Collector of Customs for the Red River District, introduced by citizens of the United States into this Republic in violation of her revenue laws, and the subsequent forcible rescue of these goods by the importers, connected with abuse inflicted by them upon the person of the Collector, I hasten to transmit the same to you.

This testimony is contained in the accompanying depositions of Capt. James Bourland the Collector and the Hon. Geo. W. Wright a citizen of Lamar County and Senator in the Congress of Texas, and will be found, I doubt not, fully sufficient to establish the points suggested in the note of Hon. J. C. Calhoun, Secretary of State of the United States addressed to you under date of the 2d. ultimo—a copy of which accompanied your late despatch.

^a January 18, 1845. See Allen to Raymond, January 20, 1845.

^b Received February 9. See Raymond to Allen, February 18, 1845.

I trust that you will receive these depositions in season for the Executive to present the matter to Congress for the requisite appropriation, at its present session, as indicated by the note referred to of Mr. C.

I remain, Your Obt. Servt.

(Signed)

EBENR. ALLEN

Atty. Genl. and Sect'y of State, ad interim.

To

HON. CHARLES H. RAYMOND

Acting Chargé d'Affaires

etc. etc. etc

(Copy.)

The Deposition of Hon. George W. Wright of Lamar County—a Senator in the Congress of the Republic—now in session.

I George W. Wright a citizen of Lamar County in the Republic of Texas—being sworn upon the Holy Evangelist of Almighty God, do upon my oath depose and say that in the latter part of the month of March A. D. 1843 I was in company with Messrs. Timms, Burthollett and others, citizens of the United States; who were interested as owners or otherwise in the goods, wares and merchandize which about the fifteenth of that month had been landed from the Steam Boat Fort Towson—Capt. Joseph Scott, Master, at Brierly's Landing in Red River County—in alleged violation of the Revenue Laws of Texas, and for that cause had been seized by Capt. James Bourland, Collector etc.

That those gentlemen being interested in obtaining the release of the goods applied to me to aid them in so doing by advice and by becoming security in any bond or obligation to the Government of the Republic which might be necessary to effect the legal release of the goods. They informed me that the value of goods, wares and merchandize, so seized, amounted in the aggregate to the sum of about fifty thousand dollars. I understood from those gentlemen and have learned from many others acquainted with the transaction, that the facts and circumstances attending the illegal introduction of said goods, their consequent seizure by the Collector, Mr. Bourland, and their subsequent forcible taking, and removal by Capt. Scott and others, citizens of the U. States, were substantially the same as related in the accompanying Deposition of Mr. Bourland himself—which I have carefully perused and examined.

(signed)

G. W. WRIGHT

REPUBLIC OF TEXAS

January 18th. 1845

Then the above named G. W. Wright personally appeared and made oath to the truth of the foregoing Deposition by him subscribed before me.

(Signed)

M. P. NORTON { *Judge of the District Court*
6th Jud. Dist.

(Copy.^a)

The Deposition of James Bourland, Collector of Customs for the Red River District, composed of the Counties of Fannin, Lamar, Bowie and Red River, with the late Judicial County of Paschal.

I, James Bourland, being first duly sworn upon the Holy Evangelist of Almighty God, do upon oath depose and say, that on or about the fifteenth day of March A D 1843, certain goods, wares and merchandise, as herein after described, were imported and introduced into the Republic of Texas, at a place in the County of Red River and in the Collectoral District aforesaid, situate upon the southerly bank of Red River, called Brierly's landing—also known by the name of Rowland. The said Goods wares and merchandize were imported from some port or ports in the United States, upon a Steam Boat called the Fort Towson—the same being a foreign vessel owned by citizens of the United States, and were landed at the time and place aforesaid by the officers and crew of said Steam Boat, who proceeded to store and deposit the same in a certain ware house there;—that no stress of weather or misfortune, or emergency existed as this deponent believes to cause the same to be so landed and stored; but that the said Steamboat—immediately there afterwards, departed for the purpose of receiving another cargo at some place further down the said River, and in the United States, with which to return;—that, although there was an officer of the customs in the immediate neighborhood of that place, at that time, still no report was made to him by the Officer in command of said Steamboat as required by the Revenue Laws of Texas, nor were the impost duties prescribed by those laws paid or tendered, before or after the landing and depositing of said goods, wares and merchandise as aforesaid:—that afterwards, on or about the twenty-sixth day of March 1843, I, the said deponent, believing that said goods, wares and merchandise had been introduced into the territory of this Republic in violation of the revenue laws thereof, and that the same were concealed in said ware house, procured a warrant from the proper Judicial authority, and by virtue thereof proceeded to search for said goods, wares and merchandise—and accordingly found

^a See Records of Department of State (Texas), Book 44, pp. 243-246.

the same in the warehouse, where they had been deposited as aforesaid;—whereupon I seized the same in accordance with the laws in that behalf, and instituted proceedings in admiralty, to the end that the said goods, wares and merchandise might be proceeded against, condemned and disposed of according to law.

That the said goods, wares and merchandise so found and seized by me as aforesaid—consisted of the following articles and packages, and are in other respects as follows—viz:

[Here follows the inventory.^a]

And I, the said Deponent, do further state the necessary expenses incurred in the premises, and in taking charge of said goods, wares and merchandise, and in the necessary examination, removal, and repacking of the same in the discharge of my Official duty, consequent upon such seizure—amounted to the sum of one hundred dollars; and that the aggregate value of the said goods, wares and merchandize was, at least fifty four thousand dollars, as appeared from the examination and from the fullest and best information that I could obtain from the owners and traders interested in the same.

And I, the said Deponent do further declare and say, that about the eighth of April 1843, while I was in lawful possession of the said goods, wares and merchandise, at Rowland aforesaid, Captain Joseph Scott, commander of the Steamer Fort Towson aforesaid, together with the crew of said boat, aided by a part of the hands employed on the Steam Boat "Hunter," consisting of from thirty to forty men, all of whom were citizens of the United States—came suddenly upon me and having thrown me violently upon the ground, they proceeded to tie and confine me with a rope, which they drew around my arms, shoulders and legs, so as to prevent me from rising, keep me in a prostrate condition on the ground and utterly prevent the use of my limbs. At the same time they, with insults and abusive language, took from my person, my brace of pistols, knife and keys and carried them on board the boat. In the mean time Capt. Scott himself who had the command and direction of the crowd, and who is a resident of Arkansas, stood over me armed with a gun, several others of his crew also standing about armed with Guns, while the remainder by his order proceeded to the ware-house, broke the door from its hinges, and conveyed all the goods, wares and merchandize aforesaid, on board of the Steamboat Fort Towson—then at the landing; after which Capt. Scott and his crew went on board the boat and immediately put off.

In relation to the amount of damages sustained in consequence of the forcible seizure and taking away the said goods, wares and merchandize, under the circumstances before mentioned, I the said

^a For a copy inclosed with Bourland to Secretary of Treasury, May 4, 1843, see Calendar of Correspondence with the United States in Part I.

deponent can remark that I cannot pretend to suggest the proper rule for estimating these damages.

The aggregate value of the property forcibly seized and taken away from my possession as aforesaid by Captain Scott and others, citizens of the United States cannot in my opinion fall short of *fifty four thousand dollars*. The expenses incurred by me attending my official seizure of the goods etc., as above mentioned, cannot be fairly estimated at less than *one hundred dollars more*,—and the damages sustained in my own person by reason of the indignities so offered me as aforesaid, while in the lawful discharge of my Official duties, I will not attempt to estimate, but will leave this item to the decision of the authorities interested in the final adjustment of the affair between the two countries.

And further, this Deponent saith not.

(Signed)

JAMES BOURLAND

*Collector of Red River
District*

REPUBLIC OF TEXAS

January 18th. 1845

Then the above named James Bourland personally appeared and made oath to the truth of the foregoing Deposition by him Subscribed before me.

(Signed)

M P NORTON

*Judge of the Dist. Court
6th Jud District.*

GREEN TO DONELSON.^a

DONELSON TO ALLEN.^b

LEGATION OF THE UNITED STATES

Washington, Texas, Jany. 20th, 1845

The undersigned, Chargé d'Affaires of the United States, has the honor to submit herewith to the consideration of the Honble Mr Allen, Attorney Genl of Texas, and charged *ad interim* with the Department of State, a letter from Duff Green Esqr., in relation to the objectionable conduct imputed to him, and which was the subject of the communication made to the undersigned on the 4th. inst by the Honble Mr Allen.

Accompanying this letter is also one addressed to Mr Green by three Gentlemen of this place. The object of both letters is to shew that Mr Green, however understood by the President, did not intend to misrepresent him, or influence improperly his conduct.

^a January 20, 1845. See Donelson to Allen, January 20, 1845.

^b A. L. S.

This voluntary disclaimer on the part of Mr Green of all intention to wound the feelings of the President or interfere in any manner with the conscientious discharge of his official duties, it is hoped, by the undersigned, will justify a withdrawal of the personal imputation on his character and produce a restoration of the friendly relations which would otherwise have continued to exist between them.

The undersigned regrets deeply that his confinement to the bed of sickness, from which he is yet hardly able to rise, has so long postponed this explanation; but he is happy to say that he has in the interval received evidences of the most satisfactory nature that the disclaimer offered by Mr Green is not only sincere, but is consistent with the exposition, which a closer examination has afforded of the measures proposed to be accomplished by him through the agency of this Government, and in the interviews respecting which originated the misunderstanding between himself and the President.

Of the opinion entertained by the undersigned of those measures, he does not deem it necessary on this occasion to say more than was suggested in his note of the 6th. on the subject. His object here is simply to be the medium of explanation for Mr Green, being satisfied that the President will take great pleasure in withdrawing personal imputations on his character, whenever he is satisfied that they are not deserved.

The undersigned renews to the Honble Mr Allen the considerations of high regard and esteem with which he continues to be his

Most Obedient servt

A J DONELSON

Honble EBENEZER ALLEN

Attorney General and Secretary of State ad interim of the Republic of Texas.

WASHINGTON January 20th. 1845

DEAR SIR

I have read the copy of the letter from the Secretary of State giving the reasons for the revocation by the President of Texas of the Exequatur, under which I acted as consul.^a Nothing was further from my intention than to offer the slightest disrespect to him, or to resort to any improper means to obtain his sanction for the measures to which he refers, and I trust that as an act of justice to us both, you will disclaim for me all intention to offer the slightest disrespect or to interfere in any manner with the conscientious and independent discharge of his public duty.

I need not say to you that the measures referred to, as presented by me, were believed to be proper and expedient. My purpose is not to discuss them but to enable you to make the most unequivocal disclaimer and to put my intentions properly before the President

^a Allen to Donelson, January 4, 1845.

I do this as an act of justice to myself leaving him to act as he may think proper.

My letter of the 2nd. of January, published in the Telegraph ^a was written under an apprehension that the President had intentionally sought a quarrel without cause, and that altho an effort was then making to bring about a reconciliation it would not be accomplished. It was but natural that under such circumstances I should yield to the suggestions that he was, in fact, opposed to annexation and was acting under the advice of the British Minister. Yet you will see, by reading that letter, that I do not make the charge, but reserve my opinion subject to his future action.

That letter was placed in the hands of the Editor of the Telegraph, not to be published unless it became necessary for my vindication. When I heard that in an interview with you the President indicated a willingness to do me justice I would have written to Houston to prevent its publication, but found upon inquiry that it was too late for an express to reach there in time. I regret its publication, as from the assurances received through you, I am satisfied that injustice has been done to the President.

I have the honor to be
very respectfully
Your obdt servt

DUFF GREEN

His Ex A. J DONALDSON

*U S. Chargé
etc etc*

(Copy.)

WASHINGTON Jany 1st. 1845

To

Genl. DUFF GREEN

SIR

We have had the honor of receiving your note of this Inst., requesting us to address you a written statement of the substance of the conversation which occurred at your room on the night of the 29th. ultimo; as it had become important in explanation of a conversation with the President on the next day.

We have no hesitation in communicating to the best of our recollection the substance of that conversation. We do not recollect any remark made by you, other, than of the most respectful, and confiding character in relation to the Executive. And we cannot but regret that any thing should have grown out of it making this communication necessary. We were together in your room on the occasion

^a *Telegraph and Texas Register* for January 8, 1845.

to which you allude. The conversation turned on the subject of annexation. The first of the undersigned spoke of the mass meetings which had lately been holden in the counties of Matagorda and Brazoria, and of the expression of opinion in his section of the country, that the President, heads of Departments and foreign Ministers were all opposed to annexation. You expressed the decided belief that our Executive would not oppose a proposition from the United States for the annexation of Texas, which she ought [to,] or could accept. You further expressed the opinion that the recognition of Texas Independence by Mexico, without annexation, would be followed by the abolition of slavery in this country in five years.

The first of the undersigned then stated that he had been among the first "to put in motion the ball of revolution" in Texas; that rather than submit to such a state of things, he would be willing to go into another revolution. You inquired "how"? One of us responded "by a convention of the people", to which the first gave his assent. You still persisted in the expression of your belief that, the offer of such terms of annexation as Texas ought or could properly accept would meet with the Executive approval.

We have [the] honor to be

Sir, very Respectfully

Your Obt. Servants

(Signed.)

ROBT. H. WILLIAMS

A. S. THRUSTON

JOS. C. MEGGERSON

DONELSON TO ALLEN.^a

WASHINGTON, TEXAS *Jan'y 21st. 1845*

To the Honble

EBENEEZER ALLEN

Attorney General and Secretary ad interim of State of Texas

SIR,

I beg leave to call your attention to a claim, upon the Government of Texas, held by William B Lewis, Esqr. 2d Auditor of the Treasury of the United States. It is founded on an advance of money made in the winter of 1836-37, to the escort that accompanied Genl Santa Anna to Washington City under the authority of this Government. The escort being out of funds were under the necessity of obtaining a loan at the Metropolis Bank of \$1500 which was effected through the instrumentality of said Lewis as an endorser of their note. The liability to the Bank was duly met and paid by the endorser.

As the endorsement was made on the faith of this Government, whose honor was involved in the transaction, it is believed that it

^a See Records of Department of State (Texas), Book 43, p. 48.

constitutes a claim which will be recognized with pleasure. It is understood to have been promptly acknowledged at the time by President Houston, who would have paid it but for the want of means in the Treasury.

The subject is now submitted to the consideration of the Executive, with a hope that under his protection and recommendation, it may receive such a disposition as will secure relief to the worthy citizen who so generously offered his credit to sustain an appeal made to him in behalf of Texas.

I have the honor to be very respectfully
Yr. Obt. Servt.

A J DONELSON

ALLEN TO DONELSON.

DEPARTMENT OF STATE,
Washington, [Texas,] 21st. Jan'y 1845.

The undersigned, Attorney General of the Republic of Texas, charged, *ad interim*, with the direction of the Department of State, has the honor to acknowledge the receipt of the note addressed to him, on yesterday, by the Hon. A. J. Donelson, Chargé d'Affaires of the United States, relating to the "objectionable conduct" recently imputed to Duff Green, Esq., originating in his interview with the President, enclosing Mr. Greens letter to the Hon. Mr. Donelson, under date of the 20th. inst., and the copy of a communication from three Gentlemen of this place to Mr. Green—the two latter having relation to the same subject, containing a disclaimer on his part to offer "the slightest disrespect" to the Executive or to interfere in any manner with the conscientious and independent discharge of his public duty; and manifesting the desire that the Hon. Mr. Donelson should so present the matter to the President as to place before him in a proper point of view the intentions of Mr. Green.

Towards that gentleman, Mr Donelson cannot but be perfectly aware that the course pursued by His Excellency resulted alone from a sense of the official obligations incident to his station—in adopting which, he neither entertained nor was in any degree influenced by motives of private pique or personal unkindness; and the undersigned having submitted the note of the Hon. Mr. D. and its accompanying communications, to His Excellency, has the satisfaction of announcing, in reply, that His Excellency, accepts the disclaimer of Mr. Green, coming as it does with the explanations in his behalf, which the Hon. Mr. Donelson has presented.

A necessity for giving color to suspicions prejudicial to any individual, of wounding his feelings, or in any degree interrupting his private relations in society, be the justification ever so apparent or

the duty ever so imperative always prevents an alternative to be regretted by the ingenuous and the honorable. Alive to such feelings, His Excellency is happy to avail himself of the occasion to obviate, so far as the tenor of the correspondence referred to will warrant, the injurious effect of any imputations resting upon the private character of Mr. Green resulting from a possible misunderstanding of the motives which actuated him in his interviews with the Executive; who as the undersigned is instructed to inform Mr. D. is willing to believe that he may have misapprehended the intentions of Mr. Green, and that his designs were in fact as expressed in the language of his disclaimer.

The President duly appreciates the honorable motives which induced Mr. Donelson to become the medium of explanation, as stated in his note, for Mr. Green, but in announcing this acceptance of the explanation thus offered and the proposition, suggested by the Hon. Mr. D. in the matter under consideration, the undersigned must be permitted to remark, that he is happy to perceive from the letter of Mr. Green that he regrets the publication of his communication addressed to the Editor of the Telegraph under date of the 2d. instant, and the acknowledged injustice [which] has thereby been done to the President. The apparent charge conveyed by the language of that article that the Executive was opposed to annexation and was acting under the advice of the British Minister, requires no remark from the undersigned, as he conceives, to obviate any unfavorable impressions which such a charge would be calculated to make upon the mind of Mr. D.—or to convince him of its fallacy and injustice. The state of the negotiations pending between this government and that of the United States, the evidences of which are in Mr. D's possession would furnish to such a charge even if seriously made, a sufficient refutation: Mr. Green, however, in his letter communicated with the note of Mr. D., to the undersigned, denies making such a charge—which would in fact have been wholly at variance with his own repeated declarations as stated in the letter of the three gentlemen, before alluded to, bearing date only one day before that of his communication to the Telegraph, a copy of which is relied upon as a part of the explanation submitted in his behalf.

The recovery of Mr. Donelson, from recent severe illness, affords to His Excellency an occasion of sincere joy and congratulation, in which the undersigned most cordially participating, renews to Mr. D. the assurance of the high regard with which he has the honor to remain

His Most Obedient Servant.

(Signed)

EBENR. ALLEN.

To

Hon. A. J. DONELSON

Chargé d'Affaires of the U. S. etc. etc. etc.

 CALHOUN TO RAYMOND.^a

 CALHOUN TO RAYMOND.^b

 RAYMOND TO CALHOUN.^c

 DONELSON TO JONES.^d

 RAYMOND TO ALLEN.^e

Dispatch No 140.

LEGATION OF TEXAS

Washington D. C. January 27th. 1845

Hon E. ALLEN

etc etc, etc

SIR:

Enclosed herewith I have the honor to transmit to you copies of the note of Mr Calhoun, Secretary of State of the United States, of the 22nd. instant, and the Resolution of the House of Representatives which accompanied it, and also my reply to the same.

I also send you a copy of the Joint Resolution declaring the terms on which Congress will admit Texas into this Union as a State, which passed the House of Representatives of the United States on the 25th. instant by a vote of 120 to 98. Several whig members voted for, and several northern democrats against it, so that it was not passed by a strict party vote. The northern democrats who voted against it, at the same time expressed themselves favorable to the measure of annexation, but desired further restrictions with regard to slavery. It will in my opinion pass the Senate by a *small* majority; and be approved by the President of the United States. The door will thus be opened for our admission into this great and glorious confederacy of states; and it will remain for Texas to say whether she will become a State of this Union and upon what terms and conditions. If we but let the slavery compromise stand as the Joint Resolution leaves it, I am well satisfied that the next Congress which convenes at this Capitol, will agree to almost any terms we may name.

^a January 22, 1845. See Raymond to Allen, January 27, 1845.

^b January 22, 1845. See Raymond to Allen, February 6, 1845.

^c January 23, 1845. See Raymond to Allen, January 27, 1845.

^d January 23, 1845. See Calendar of Correspondence with the United States in Part I.

^e A. L. S.

I send to you by to day's mail the "Globe" "National Intelligencer" and "Constitution" of the 25th. instant in which you will find the several Joint resolutions for annexation which were before the House of Representatives and the vote upon each of them.

I have the honor to be, with high consideration,

Your Obedient Servant

CHAS. H. RAYMOND

(Mr Calhoun to Mr Raymond.)

DEPARTMENT OF STATE

Washington [D. C.,] January 22nd. 1845

SIR:

I have the honor to enclose herewith a copy of a Resolution of the House of Representatives of the 14th. Inst.; and respectfully request to be furnished with such information as you may possess in reference to the subjects mentioned, not heretofore communicated by you to the Department, as may enable me to answer the call, at as early a day as possible.

I have the honor to be, with high consideration,

Sir,

Your Obedient Servant,

(Signed)

J. C. CALHOUN.

To C. H. RAYMOND Esq

etc, etc, etc

[Next come copies of the resolution referred to, inquiring after the financial condition, population, and landed resources of Texas;^a Raymond to Calhoun, January 23, 1845,^b in reply to Calhoun's of the 22nd; and of the joint resolution of the United States Congress, declaring the terms of annexation as it stood when the despatch was written.^c]

DONELSON TO CALHOUN.^d

DONELSON TO CALHOUN.^e

RAYMOND TO CALHOUN.^f

^a *Cong. Globe*, 28th Cong., 2nd Sess., p. 135.

^b See Calendar of Correspondence with the United States in Part I.

^c See *Cong. Globe*, 28th Cong., 2nd Sess., p. 193.

^d January 27, 1845. See Calendar of Correspondence with the United States in Part I.

^e January 30, 1845. See Calendar of Correspondence with the United States in Part I.

^f February 6, 1845. See Raymond to Allen, February 6, 1845.

RAYMOND TO ALLEN.^a

Dispatch No. 141.

LEGATION OF TEXAS

Washington D. C. Feby 6th. 1845

Hon E. ALLEN

etc. etc. etc.

SIR

I have the honor to acknowledge the receipt of your dispatch of the 10th ultimo; and am gratified that my reply, as communicated in my private dispatch of the 17th of December, last, to the inquiries so frequently addressed to me by members of Congress and others in this country relative to the present views of our Government in regard to annexation, meets the approbation of the President.

A majority of the Committee on Foreign Relations in the Senate reported on the 5th. inst; against the Joint Resolution for annexation which had previously passed the House of Representatives. Their principal objection was the unconstitutionality of the proposed mode of admitting Texas into the Union; they however suggested no other method for its accomplishment, but recommended that the whole subject be laid on the table.

On yesterday, Col. Benton withdrew his former bill for the annexation of Texas; and offered a substitute for the same. I herewith enclose you a copy of his substitute, which after some alterations, or perhaps as it now stands, will probably meet the approval of three fifths of the Senate.

I have the honor, also, herewith to transmit you a copy of the note of Mr. Calhouns, Secretary of State of the United States, of the 22nd. ultimo, in reference to two Texan boys who were captured by Indians, and supposed to be among the Wichitaws, within the United States, and of my reply to the same of this date.

Mr. Calhoun is just recovering from a severe attack of pneumonia.

I have the honor to be, with sentiments of high regard and esteem

Your Obedient Servant

CHAS. H. RAYMOND

[Next follow copies of Benton's substitute bill referred to, providing for negotiations for annexation, and appropriating one hundred thousand dollars to pay the expense of such negotiations;^b Calhoun to Raymond, January 22, 1845.]

(Mr Raymond to Mr Calhoun.)

LEGATION OF TEXAS

Washington February 6th. 1845

The Undersigned, Chargé d'Affaires *ad interim* of the Republic of Texas has the honor to acknowledge the receipt of the note of Mr

^a A. L. S.

^b See *Cong. Globe*, 28 Cong., 2 Sess., p. 244.

^c See Calendar of Correspondence with the United States in Part I.

Calhoun, Secretary of State of the United States, of the 22nd. ultimo, informing him of the measures taken by the Government of the United States for the recovery of two Texan white boys, who were supposed to be in captivity among the Wichitaw Indians, within the United States, and of the fact, that, after a careful examination through the village inhabited by that tribe, the persons making the search became satisfied the boys were not in possession of the Wichitaws.

The Government of the Undersigned will be gratified to learn of the earnest efforts so promptly and willingly made by the Government of the United States for the recovery and restoration of the two boys to their kindred and country; and although those efforts have, as yet, failed in effecting their humane purpose, they nevertheless furnish renewed evidence of the friendly disposition of the Government of the United States, towards the Government and people of Texas, and of its determination to fulfill, in good faith, its treaty stipulations with that country.

As there is a rumor, perhaps well founded, that the boys are held as captives by Kickapoos or Comanches, Indian tribes inhabiting the territory of the United States, the Undersigned entertains the hope that the Government of the United States will not relax its efforts until the place of their captivity be discovered and they be safely delivered into the hands of their friends.

The Undersigned avails himself of this occasion to offer Mr Calhoun renewed assurances of his high consideration.

CHAS. H. RAYMOND

To the Honorable

J. C. CALHOUN

etc. etc. etc.

RAYMOND TO CALHOUN.^a

SMITH TO DONELSON.

DEPARTMENT OF STATE

Washington on the Brazos.

February 10th 1845

The Undersigned, Secretary of State of the Republic of Texas, has the honor to acknowledged the receipt of the note of the Hon. A. J. Donelson Chargé d' Affaires of the United States of America, bearing date the 2d Decr. 1844. together with the accompanying documents, in relation to a complaint made against the Collector of the Customs at Sabine in Texas, inasmuch as this officer required

^a February 10, 1845. See Raymond to Allen, February 18, 1845.

the payment of tonnage duties from certain American vessels resorting to the port of Sabine for commerce. ^aThe right of every nation to make those interior regulations respecting commerce and navigation which it shall find most convenient to itself and to reserve to itself the liberty of admitting at its pleasure other nations to a participation of the advantages of its commerce, is a doctrine which has received the solemn and repeated sanction of the American Government, and will not, it is presumed, be controverted by the Hon. Mr. Donelson. On this clear principle the Government of Texas may of right establish the conditions on which they will admit other nations to come to their shores and receive the products of their soil or carry on commerce with their inhabitants; and they may require as one of the conditions of vessels trading with their port of Sabine the payment of dues or tonnage duties

The town of Sabine in Texas is a commercial *port*; the adjacent country along Sabine Bay is washed by navigable waters; and the whole is subject to all the uses and incidents appertaining to a coast bordered by navigable waters. The port in question cannot be used except as a *port*, a *maritime depot*, for ordinary commercial purposes, neither can it by any fiction be regarded in any other light. If Sabine be not used as a *port* it cannot be used for commercial purposes at all; and the Gov't of Texas, as already intimated, may require as one of the conditions on which they will allow foreign vessels to trade with this port, the payment of tonnage duties; and if the payment of these duties be refused may bring to all vessels so refusing and compel payment. Relatively to this point, the undersigned begs to cite Mr Jefferson who in 1792, then Secretary of State under General Washington declared in a communication on a matter similar to the one now under discussion that, "the right to use a thing comprehends a right to the means necessary to its use and without which it would be useless." And this doctrine has been since explicitly asserted by all the American text writers on International Law and solemnly affirmed and acted on by the American Government. If moreover the use of such means be refused on a plea of "jurisdiction" or the use so shackled by unnecessary regulations as to render it unavailable by Texas, it then becomes an injury of which Texas may demand redress.

If the Government of Texas do not possess the right to collect tonnage dues and establish the other customary regulations of commerce for the port of Sabine, then have we at Sabine the most absolutely free port in the world, and there exists no authority any where to regulate or supervise the commerce that may be carried on thereat. The undersigned does not suppose that the Hon. Mr

^a Opposite the beginning of this sentence in the margin are written the words, "Treaty between France and the United States of 1778, preamble."

Donelson on the plea of "jurisdiction" would claim for his Government the right to establish a custom house at the Sabine to regulate the commerce of the port, thus making the soil of Texas appurtenant to the water which washes its shores. The authority to regulate the commerce of the port in question must exist somewhere. The undersigned believes it is vested in the Nation owning the *terra firma*. Custom Houses are established on *land* and not on the *water* although their operation extends over the water.

If the right contended for by Texas exist at all, it is and must of necessity be exercised as a *perfect* right, otherwise it would be utterly nugatory. It would be idle to establish regulations for the commerce carried on upon its coast, if vessels in sight and even within short gun shot of the shore may openly set at naught or evade those regulations. And a limited jurisdiction for this purpose must be exercised by Texas over the adjacent waters.

So bold an evasion and flagrant a violation of the revenue laws of Texas as has been attempted by the averment that the commerce between the shore and foreign bottoms has been carried on by means of flat boats or keel boats, will not surely be justified by the Hon Mr. Donelson. To prevent like audacious frauds, England and the United States claim and exercise for this special purpose a jurisdiction of twelve miles from their coasts respectively, within which distance they will not allow such fraudulent trans-shipments to be made.

By the terms of the Treaty of 1819, made between Spain and the United States, renewed in 1828, between Mexico and the U. States and finally established in 1838 between Texas and the United States, as the basis for running the boundary line, without any change of language so far as relates to the boundary and the waters of Sabine Bay; it is declared that the "use of the waters and the navigation" of the Bay are common to the inhabitants of both countries. This stipulation is declaratory of the right of Texas to the use of the waters in question, and is as clear and essential a portion of the Treaty as that which establishes the boundary line along the Western bank of these waters.

The undersigned has entered into a brief argument above to show on sound principles of public law and from the necessity of the case, that a *barren* use was not intended—a bare permission to sail in and out of Sabine Pass—but a beneficial use for all things which may be lawfully done on shore. If foreign vessels resort to the port of Sabine to receive the products of Texas, the Nation owning the land and this nation alone, can impose tonnage duties and if necessary can go upon the water to enforce the collection of them by virtue of their right of use solemnly recognised in the Treaty in question. It would be violative of the best established of all rules of interpreta-

tion, so to interpret the "*jurisdiction*" as to exclude the *use*; both rights repose on the same basis and are not incompatible; effect must therefore be given to both. No incompatibility or conflict can arise, inasmuch as the United States cannot claim to establish custom houses at the port of Sabine nor collect duties upon Texian soil on the products shipped or foreign merchandize imported there; To do these acts appertains of right exclusively to Texas on principles of public law and by the provision of the Treaty of Boundary.

The Undersigned cannot therefore admit the opinion expressed by the Hon Mr Donelson that "the authority to collect these duties cannot be recognised by the United States without a surrender of their jurisdiction of the waters of Sabine pass, Lake and river"; on the contrary he conceives that the Government of Texas have a perfect right to collect these duties and to the "use and navigation" of the waters in question for this purpose, and their collection does not conflict with the just claims of the United States nor afford that Government any good cause of complaint. He cannot believe that the Government of the United States propose so to stretch the interpretation to be given to their "*jurisdiction*" as to sustain their citizens in violating those laws which the people of Texas may legitimately establish, as a condition of commerce with them.

The undersigned embraces this opportunity to present to the Hon. Mr Donelson assurances of the high consideration with which he has the honor to be.

Most Respectfully

His Very Obedient Servant

(signed)

ASHBEL SMITH

Hon. A. J. DONELSON

Chargé d'Affaires of the United States of America
etc. etc. etc.

RAYMOND TO CALHOUN.^a

SMITH TO RAYMOND.

DEPARTMENT OF STATE

Texas, Feby. 11, 1845.

SIR:—

I have the honor to acknowledge the receipt of your despatches bearing date the 4th and 16th ultimo.

His Excellency the President wishes you to remain at your post until the 4th March next, and in the meantime to use your most strenuous exertions in every proper manner to accomplish the

^a February 11, 1845. See Raymond to Allen, February 18, 1845.

annexation of Texas to the American Union—a measure earnestly desired by this Government. The Hon. D. S. Kaufman has been appointed Minister Chargé d’Affaires of this Country to reside near the Government of Washington on the Potomac and will proceed to his post early in the spring. It is the wish of H. E.^a the President therefore that as soon as may be convenient after the 4th of March you take leave of the American Government in the customary manner, and return to Texas, unless the interests of this country should render it expedient to delay for some short time your departure. I am also instructed by the President to express to you his entire satisfaction with your efforts to accomplish annexation and generally with the manner in which you have executed the duties devolving on you as acting Chargé d’Aff. of Texas.

* * * * * * *

An exchange of official documents is a courtesy frequently practised between different Governments. From the British Gov. we have received publications made by order of Parliament of great value. Should a proper occasion present itself, you can intimate verbally to the Secretary of State that this Gov. would willingly make a similar exchange of public documents with the United States. The collection of “American State papers” published under direction of Congress would be highly useful to us.

I have the honor to be, with sentiments of high consideration

Very Respectfully

Your most obedient Servant.

CHARLES H. RAYMOND Esq.
Actg. Chargé d’Affaires of Texas, etc.

THOMAS TO ARBUCKLE.^c

CRAWFORD TO ARMSTRONG.^d

RAYMOND TO ALLEN.^e

[Despatch No. 142.]

LEGATION OF TEXAS

Washington D. C. Feby 18th 1845

Hon E ALLEN

etc etc etc

SIR:

Your despatches of the 16th and 20th ultimo came to hand on the 9th inst., and received my immediate attention; as you will perceive

^a His Excellency.

^b The paragraph omitted relates to Raymond’s salary.

^c February 13, 1845. See Raymond to Allen, February 21, 1845.

^d February 17, 1845. See Raymond to Allen, February 21, 1845.

^e For this letter and its inclosures, see Records of Department of State (Texas), Book 43, pp. 59-61.

by copies of my notes to Mr. Calhoun, Secretary of State of the United States, of the 10th and 11th instant, herewith enclosed.

On the 11th instant the Department of State submitted the testimony of Messrs Bourland and Wright to the Committee of Ways and Means of the House of Representatives, in order that the necessary appropriation may be made by Congress to meet the demands of our Government, which I cannot doubt will be done.

I understand, from the Secretary of State that the Department of War, to which the case of Mrs. Simpson's children has been referred, will adopt the most active and efficient measures to procure the release of the captives and their restoration to friends and country. I will forward you a copy of the orders of the War Department touching this matter so soon as I shall be furnished with them.

The President and Vice President elect arrived in the City on Thursday last. On Saturday I paid my respects to them and met with a warm and cordial reception from both.

The Senate has not yet acted on the Joint Resolutions for the annexation of Texas. Their discussion will probably consume the whole of this week; but if the friends of annexation in the Senate will, even then, unite upon the House resolutions, or a similar plan, the measure can and will be carried the present session.

I have the honor to be, with sentiments of highest regard,

Your obedient servant,

CHAS H RAYMOND

(Mr Raymond to Mr Calhoun.)

LEGATION OF TEXAS

Washington February 10th 1845

The undersigned, Chargé d'Affaires *ad interim* of the Republic of Texas, by direction of his Government has the honor to transmit, herewith, to Mr. Calhoun, Secretary of State of the United States, the depositions of James Bourland, Collector of customs for the Red River District, in Texas, and George W Wright, a citizen of Lamar county and Senator in the Texian Congress, in relation to the seizure, in March 1843 by said Collector, of certain goods introduced into that Republic in violation of her revenue laws, by citizens of the United States—the subsequent forcible rescue of those goods by the importers and their abusive treatment, at the same time, of the person of the Collector—all of which has heretofore been the subject of correspondence between the two Governments.^a

The depositions are properly authenticated before the Hon M. P. Norton, Judge of the District Court of the 6th Judicial District of Texas; and establish most clearly the facts of the illegal introduction

^a For the depositions of Bourland and Wright, see Allen to Raymond, January 20, 1845.

of the goods, their forcible seizure and taking away by citizens of the United States; and, as near as possible under the circumstances, the amount of damage suffered in consequence.

The evidence being full and explicit, covering all the points suggested in Mr Calhoun's note of the 2nd. of December, last, to the undersigned, on this subject; and the whole case having been fully examined and discussed, the undersigned can at present, see no obstacle to its speedy, final and satisfactory adjustment—an event which he hopes soon to have the pleasure of communicating to his Government.

The undersigned avails himself of this occasion to offer Mr. Calhoun assurances of his distinguished consideration.

CHAS. H RAYMOND

To the Honorable J. C. CALHOUN

etc etc. etc.

(Mr. Raymond to Mr Calhoun.)

LEGATION OF TEXAS

Washington February 11th 1845

The undersigned Chargé d'Affaires *ad interim* of the Republic of Texas, has the honor to inform Mr Calhoun, Secretary of State of the United States, that Major Thos G Western, Superintendent of Indian Affairs of Texas, has received, under date of the 6th ultimo, a letter from Messers L. H Williams and B Sloat, Indian Agents in the service of that Republic, from which it appears that the two children of Mrs. Simpson, a widow lady—the one a son named William, about twelve, and the other a daughter named Jane, about fourteen years of age, who were stolen from their mother's residence at Austin on the Colorado river, in Texas, early in the month of November, last, are now in the possession of the *Waco* and *Toweash* or *Wichita* Indians, encamped in the *Wichita* mountains, about 550 miles northerly from the City of Washington, Texas, and within the territory of the United States. The tribe of Indians, with which the Wacos are encamped in the mountains, is known indifferently as the *Toweash* or *Wichita*.

Messrs Williams and Sloat were sent out immediately after the news of the capture reached the ears of the President for the purpose of seeking and recovering these children from their Indian captors, but having reached a point some two hundred miles above the said City of Washington, they found it impossible to proceed. The prairies, for hundreds of miles across which they must travel, being at that season destitute of grass, and furnishing no food for their horses. They, however, ascertained the facts stated in their letter, to Major Western, from the Comanches and other friendly Indians, whom they met in their travels and at Torrey's trading house, as well

as from their personal observation and knowledge of the course and character of the Indians committing the outrage. These agents will recommence their journey so soon as the grass shall spring up, and will reach Fort Towson early in the Spring.

In view of the foregoing facts, the undersigned is directed by his Government, formally, but most respectfully, to request of the Government of the United States the aid of its authorities to effect the release of these prisoners and their safe conveyance to Fort Towson or some other point, where they can be delivered to the Texian agents, and thus restored to their home and friends, as provided in the 33rd article of the Treaty of 1831.

The hope is confidently indulged that the efforts of the Texian Agents, seconded by the powerful assistance, which the President of Texas doubts not will be cheerfully accorded by the Government of the United States, will lead to the speedy release of these youthful captives from their savage masters; and while engaged in accomplishing this humane object, it is not improbable that the two boys mentioned in Mr Van Zandt's note of the 10th of August, last, who were captured by the Indians on the Trinity river in the early part of last year, but whose place of captivity the agents of the United States have hitherto been unable to discover, may also be found and restored to their country.

The undersigned avails himself of this occasion to offer Mr Calhoun renewed assurances of his distinguished consideration

CHAS H RAYMOND

To the Honorable J. C CALHOUN

etc. etc. etc.

WILKINS TO CALHOUN.^a

CALHOUN TO RAYMOND.^b

RAYMOND TO ALLEN.^c

Dispatch No 143.

LEGATION OF TEXAS

Washington D. C. February 21st. 1845

Hon E. ALLEN

etc. etc. etc

SIR

I have the honor to transmit you herewith a copy of the note of Mr Calhoun, Secretary of State of the United States, of the 20th.

^a February 18, 1845. See Raymond to Allen, February 21, 1845.

^b February 20, 1845. See Raymond to Allen, February 21, 1845.

^c A. L. S.

inst. and the documents which accompanied it, in reply to my note to him of the 11th. inst., in which I requested the interposition of his Government in effecting the liberation of the two children of Mrs Simpson from their captivity and their restoration to their own country; and also suggested that further inquiries and efforts be made, at the same time, for the discovery, release and safe return to their home and friends of the two boys who were captured by Indians in the early part of last year on the Trinity, and supposed to be held as captives by Indians within the territory of the United States.

I deemed it unnecessary, in my communication to Mr Calhoun, to state that our Government would defray the expenses incurred in "the transmission and maintenance" of the children should they be fortunately recovered, because this is fully understood and provided for in the 33rd. article of the treaty of 1831.

The Government of the United States, as you will perceive by reference to the orders given, has evinced a laudable disposition to carry out in good faith its treaty stipulations with our country, and manifested a most commendable anxiety for the welfare of the captive children.

Some of the friends of annexation in the Senate are in favor (for the purpose of strengthening the measure and adding to their forces) of attaching to the joint resolutions of the House Col Benton's proposition, as a proviso, to go into effect only in case Texas should refuse to accede to the terms expressed in the proposition which has passed the House. I succeeded on yesterday in ascertaining, to my entire satisfaction, that all essential differences among the democratic Senators had been removed, and that they will come up to the support of the measure of annexation in one solid phalanx, and that a sufficient number of whig Senators will unite with them to carry it. The only question among them seems now to be, whether they will adopt the joint resolutions as they passed the House, with perhaps some slight and not very material alterations, or pass them with Col Benton's proposition attached as a proviso. With the vote of Senator Foster of Tennessee either plan could be carried, but I understand he objects to the *proviso* proposed, and unless he yield, the joint resolutions of the House must be passed pretty much as they now stand.

It is understood that the President elect is exceedingly desirous to have the question settled the present session of Congress; and that letters have just been received here from Gov Wright and Ex President Van Buren of New York urging *immediate annexation*. Col Benton seems disposed to yield, to some extent, his own views to those of the great body of his party. In a conversation I had with him, on yesterday, he stated that he entertained not the slightest doubt of the passage of the measure at this session to admit Texas as a State into this Union.

Information reached here yesterday, which is believed by many to be authentic, that the new Government of Mexico had intercepted and communicated to Congress a dispatch from Santa Anna to the British Minister, by which the astounding fact was disclosed that he had entered into a treaty with Great Britain, transferring to her the two Californias. But being made without authority and in violation of the Constitution the treaty cannot, of course, be binding on the Mexican Nation.

If we are to credit the testimony of the "London Times" and the "Havre Journal," England has made overtures to France to unite with her in measures to prevent the annexation of Texas to the United States. I have sent you, "The Globe" of the 18th. and 20th. instants, containing extracts from the above named newspapers.

My last dispatch from your Department is dated the 20th. ultimo.

I have the honor to be with distinguished regard

Your Obedient Servant

CHAS. H. RAYMOND

[Inclosed are copies of the following:^a Thomas to Arbuckle, February 13, 1845; Crawford to Armstrong, February 17, 1845; Wilkins to Calhoun, February 18, 1845; Calhoun to Raymond, February 20, 1845.]

RAYMOND TO ALLEN.^b

Dispatch No 144.

LEGATION OF TEXAS

Washington D. C. February 28th. 1845

Hon E. ALLEN

etc. etc. etc.

SIR:

The door is at length opened for the admission of Texas into this Union. The great struggle is over and nothing now remains to be done except to agree upon the terms of "admission and cession". The contest has been severe—the battle well and nobly fought—annexation has triumphed, and its friends have gained a glorious victory.

Enclosed herewith I have the honor and gratification of transmitting to you a copy of a "Joint Resolution for annexing Texas to the United States" which has just been passed by the Congress of this Republic.^c On yesterday it passed the Senate, in its present shape, by a vote of 27 to 25—To day the House concurred in the Senate's amendment by a vote of 132 to 76.

^a See Calendar of Correspondence with the United States in Part I.

^b See Records of Texan Legation at Washington from August 16, 1844, to November 8, 1845 (in Texas State Library), p. 38.

^c For the resolution, see *Cong. Globe*, 28th Cong., 2nd Sess., p. 362.

The terms and conditions of the Joint Resolution, as originally passed by the House, may not be acceptable to Texas: and I therefore hail with joy the amendment of the Senate; and am fully persuaded that the resolution, as it now stands, will accomplish the great object which its friends had in view.

I have the honor to be with high regard,

Your obedient Sert.

CHAS. H. RAYMOND

JOINT RESOLUTION FOR ANNEXING TEXAS TO THE UNITED STATES.^a

CALHOUN TO DONELSON.^b

ARBUCKLE TO ADJUTANT-GENERAL [JONES].^c

ALMONTE TO CALHOUN.^d

BUCHANAN TO DONELSON.^e

BUCHANAN TO ALMONTE.^f

NEWELL TO SMITH.^g

[Concerning the collection of duties from American vessels at Sabine.]

SMITH TO RAYMOND.

DEPARTMENT OF STATE

March 21, 1845.

SIR,

I have the honor to acknowledge the receipt of your dispatches nos 142 and 143 addressed to this Department, together with the enclosed documents.

From the subjoined memorandum communicated to me from the Indian Bureau, you will learn that of the two children of Mrs. Simpson stolen by the Comanches, one is dead and the other has been restored to his mother. Of course all further inquiry after them is superseded. In communicating these facts to the American Govt.

^a March 1, 1845. See *Senate Journal*, 9th Tex. Cong., Extra Session, p. 13-14. Copy inclosed with Donelson to Allen, March 31, 1845.

^b March 3, 1845. See Calendar of Correspondence with the United States in Part I.

^c March 6, 1845. See Calendar of Correspondence with the United States in Part I.

^d March 6, 1845. See Raymond to Allen, April 30, 1845.

^e March 10, 1845. See Calendar of Correspondence with the United States in Part I.

^f March 10, 1845. See Raymond to Allen, April 30, 1845.

^g March 16, 1845.

you will make the proper acknowledgments for their prompt efforts to recover the children in question.

I beg to call your attention to the exchange of official documents between this and the United States Government as suggested in a former despatch of mine to you. Cases are occurring almost daily in which these papers would be highly convenient, not to say that they are indispensable to us. Since the date of my last dispatch, I have received a communication from M. de Saligny proposing a similar interchange between ours and the French Government. If the exchange proposed shall be acceded to I shall place the Laws, etc of this country at the disposition of the American Chargé d'Affaires so soon as he shall reach his post.

[Here follows the memorandum.^a]

SMITH TO NEWELL.

DEPARTMENT OF STATE,
WASHINGTON ON THE BRASSOS

March 24, 1845

SIR,

I have to acknowledge the receipt of your communication of the 16th Instant stating that "the absence of the Hon A. J. Donelson Chargé d'Affaires of the United States near the Government of Texas having created that kind of emergency which authorizes Consuls of the United States to communicate with the Government of Texas", and calling my attention to matters touching the collection of duties by the Collector at Sabine on American vessels resorting to that port for commerce.

I beg to state in reply that this subject will be attended to on the part of Texas immediately on the return of the Hon the Chargé d'Affaires of the U. States to his post near this Government. Mr Newell is undoubtedly aware that a discussion of this matter at the present time would be without any useful object.

I take this occasion to mention that the Chief Clerk of this Department to whom has been entrusted the collection and forwarding of the late Hon T. A. Howard's effects, got the same into possession yesterday, and that he will forward them without delay, by the first safe means, of doing so.

I am with great respect

Your most obed. servant

A. S.

STEWART NEWELL Esquire
Consul of the U. States
Etc. Etc. Etc.

^a See Calendar of Correspondence with the United States in Part I, under title of Raymond to Buchanan, April 30, 1845.

DONELSON TO BUCHANAN.^a

DONELSON TO BUCHANAN.^b

DONELSON TO ALLEN.^c

MARCY TO BUCHANAN.^c

RAYMOND TO SMITH.^d

No 145.

LEGATION OF TEXAS

Washington D. C. March 31st. 1845

HON ASHBEL SMITH

Secretary of State

SIR:

I have the honor to acknowledge the receipt of your despatch of the 11th. ultimo, notifying me that the Hon David S. Kaufman, had been appointed Minister Chargé d'Affaires of Texas to reside near the Government of Washington on the Potomac, and granting me permission to return home as soon as convenient after the 4th. instant, unless the interests of Texas should render it expedient to delay for some short time my departure. Had I consulted my own inclination, I should not have failed to take advantage of the permission to return, but in view of the posture of our affairs in respect to annexation, I thought it proper and expedient, and therefore my duty, to remain at my post until I should learn the determination of the Government concerning the overtures, which had been made to it, by this Government, through Major Donelson its Chargé d'Affaires, for the annexation of Texas to the American Union, unless the arrival of Major Kaufman, in the mean time, should render my longer stay unnecessary. Immediately after the receipt of your despatch, which came to hand about two weeks ago, I called upon Mr Buchanan, Secretary of State, of the United States, and mentioned my desire to leave in a few days and asked his opinion about the propriety of my doing so. In reply he urged me with considerable earnestness to delay my departure until we should hear from Texas, after the overtures for annexation had been presented to her Government, as in all probability it would be necessary afterwards

^a March 24, 1845. See Calendar of Correspondence with the United States in Part I.

^b March 28, 1845. See Calendar of Correspondence with the United States in Part I.

^c March 31, 1845. See Calendar of Correspondence with the United States in Part I.

^d See Records of Texan Legation at Washington from August 16, 1844, to November 8, 1845 (in the Texas State Library), pp. 39-42.

for this Government to hold some correspondence with the Texian Representative here upon the subject. In these views Mr Walker, Secretary of the Treasury, coincided fully and expressed his strong conviction of the importance of my remaining. Under these circumstances I have, with some inconvenience to myself, prolonged my stay here and purpose, unless I receive instructions to the contrary, to postpone taking my leave of this Government until I hear the result of the overtures alluded to; and inasmuch as the resolutions for annexation passed the Congress of the United States after the date of your despatch and perhaps unexpectedly too, I have thought my determination to remain a short time longer would meet the wishes and approbation of the Government.

Your expression of the President's entire satisfaction with my efforts to accomplish annexation, and generally with the manner in which I have executed the duties devolving on me as Acting Chargé d'Affaires of Texas, has caused me the highest gratification.

Shortly after the receipt of your despatch I had a conversation with Mr Buchanan in regard to an exchange of public documents between the two Governments. He said as soon as the press of business consequent upon the commencement of a new administration was over he would take pleasure in furnishing us with the collection of "American State papers" and other public documents, if there were any such under the control of his Department.

On Friday last; I had an interview with him at the Department of State, and among other things mentioned the Snively and Red River cases,^a and requested him when he should reply to my note to Mr Calhoun of the 10th. ultimo, communicating the evidence in the last named case, to inform me what disposition had been made of them by Congress, and especially whether or not any appropriation had been made for the payment of the indemnity claimed in those cases by the Texian Government. To which he remarked that his time had been so much occupied in Cabinet Council and in receiving and deciding upon applications for office that he had been unable to take up any of the back business of his Department, but assured me that on his return from Pennsylvania, where he is going this week to remain only a few days, he would examine into the cases referred to and communicate to me their condition. I understood from the Committee of "Ways and Means," to whom was referred the correspondence and evidence in those cases, that no report whatever was made thereon, assigning as a reason the lateness of the period at which they received the evidence.

I have succeeded in collecting together a mass of valuable public documents, comprising reports of Congressional Committees, Heads

^a The "Red River" case was that of the attack on Collector Bourland. See note c, p. 297.

of Departments, etc, and have this day forwarded the box containing them to your Department, via. Baltimore, care of H. H. Williams Esq. our Consul, with directions to have them shipped by the first safe opportunity to Galveston.

Mr Brower, Texian Consul, N. Y., to whom I granted leave of absence for a few months, has returned from Europe and re-assumed the duties of his office.

I hope it may be in my power to reach Texas by the 1st. of May, next.

With sentiments of highest consideration, I have the honor to be

Most respectfully

Your obedient Servant

CHAS. H. RAYMOND

DONELSON TO BUCHANAN.^a

DONELSON TO BUCHANAN.^b

DONELSON TO ALLEN.^c

LEGATION OF THE UNITED STATES,
Washington, Texas, April 7, 1845.

The undersigned, Chargé d'Affaires of the United States, has the honor to acknowledge the receipt of the communication from the Hon. Ashbel Smith, Secretary of State of Texas, dated the 10th of February last, but not delivered to the undersigned until his recent arrival here.

This communication is an answer to the note of the undersigned, dated the 2d. of December last, in relation to the attempt of the Collector of the Customs on the west bank of the Sabine, to exact duties from the schooners Louisiana and William Bryan, vessels belonging to the United States, and navigating the waters of the Sabine river and bay, under the circumstances stated in that note; and suggesting the expectation that this Government, not apprized of the construction of powers under which that collector had acted, would issue such instructions as would hereafter prevent such infraction of the rights of vessels of the United States. But it appears that the conduct of this officer is justified.

To the general observation made by the Hon. Mr. Smith, in opening of his remarks on this subject, claiming for Texas the right to

^a April 1, 1845. See Calendar of Correspondence with the United States in Part I.

^b April 3, 1845. See Calendar of Correspondence with the United States in Part I.

^c A. L. S.

establish such regulations as she may think proper, respecting her commerce and navigation, within her own waters and jurisdiction, the undersigned cheerfully assents. This is a right conceded to all independent nations, and is the necessary consequence of sovereignty. But it was not in derogation of this right, that exception was taken to the conduct of the Collector on the Sabine. It was, that that collector, within the jurisdiction of the United States, claimed the right to extort duties from vessels not bound to a port of Texas, but sailing within the waters of the United States, and charged with no maritime *tort*, either to Texas or any other nation.

If said vessels had sailed to Galveston, or any of the bays, inlets, or rivers of Texas, this complaint would not have been made, and the obedience due to the revenue laws of Texas, would have been readily admitted. As far as the jurisdiction of Texas extends, it is undoubtedly exclusive and absolute, and no restriction can be placed upon it without her consent; because such restriction, if imposed by another power, would be, to that extent, an acknowledgment that such power was her superior. Such is the law of nations, as understood and enforced by all enlightened governments.

What is the effect of these principles, applied to the claim in question, when it is conceded that the jurisdiction of the United States extends to water mark on the West bank of the Sabine, and from thence to the sea? The undersigned cannot suppose that argument can make more plain the conclusion which the mere statement of the principles so obviously presents.

But the Hon. Mr. Smith is of opinion, that the treaty which secures to the inhabitants of Texas the use of the waters of the Sabine would be a nullity, if the right to collect the tonnage duties in question did not result. Such could not have been the understanding of the two high contracting parties to the treaty; for the same clause which gives to the respective inhabitants of the two nations, the common use of the waters of this boundary for the purposes of navigation, expressly cedes the exclusive jurisdiction of the same to the United States; nor is it likely that such is the understanding of the inhabitants who enjoy this right, and who, but for this stipulation, might have been at any time deprived of it by the United States.

Nor is this construction of the treaty altered, in the judgment of the undersigned, by the declaration of Mr. Jefferson that "the right to use a thing comprehends the right to the means necessary to its use, and without which it would be useless". This language has reference to the condition in which the inhabitants of the valley of the Mississippi would have been placed by a denial to them of the right to navigate this river to and from its mouth—a right enjoyed by them both before and after the revolution which established the independence of the United States, and which was never abandoned,

though its relinquishment was often insisted upon by the powers possessing jurisdiction of the river south of the point where it left the boundary of the United States, until the purchase of Louisiana. But is there an analogy between this right and that now claimed by the Hon. Mr. Smith, for the enforcement of revenue regulations on the waters of the Sabine? Texas, standing in the place of Spain, does not deny the competency of Spain to part with her jurisdiction over the Sabine. Mr. Jefferson, in maintaining for the United States, a claim to the free navigation of the Mississippi, never asserted that the United States could not relinquish it. Texas possesses this right of navigation by contract as the representative of Spain, and is bound in the exercise of it, not to interfere with the jurisdiction of the United States. Mr. Jefferson never claimed the right to make the vessels of France or Spain pay tonnage duties at the mouth of the Mississippi, until the United States possessed jurisdiction there. Texas claims this right at the mouth of the Sabine, admitting at the same time that she has no jurisdiction there, and when it is obvious that the jurisdiction necessary to give the power to enforce this right was withheld, in order to avoid just such difficulties as those which now exist and which are inseparable from the concurrent authority of two separate nations over the same subject.

According to the treaty referred to, under which the respective rights of Texas and the United States on the subject of limits, are defined, and by which courts, having jurisdiction of all maritime *torts*, happening on the waters of the Sabine, must be governed, Texas has no commercial port on that river, in the sense in which the Hon. Mr. Smith treats it, as a place where commercial regulations can be enforced by her on the waters thereof. To the existence of such a port there must not only be ownership of soil but jurisdiction of water. And it would be as unsound to derive this right of jurisdiction from the inconvenience attending the want of it, as it would be for an individual possessing only a limited estate in lands or other property to claim the fee simple or superior title, because with this title he could the better control the use. Spain voluntarily gave up this superior title, and was content to stipulate for the limited one for the use of her inhabitants. For valid and satisfactory considerations, she solemnly agreed that the "terra firma" of Texas, on the Sabine, should be the limit of her jurisdiction, which should include neither the islands nor the waters of that river. Yet, in opposition to such treaty stipulations, it is contended that the moment Texas chooses to build a house at Sabine in Texas, and to call that house a port, this jurisdiction becomes subservient to that of the land. The language of the Hon. Mr. Smith is, that "he does not suppose the Hon. Mr. Donelson, on the plea of jurisdiction, would claim for his Government the right to establish a custom-house at the Sabine, to regulate the commerce

of the port—thus making the soil of Texas appurtenant to the water, which washes its shores. The authority to regulate the commerce of the port in question must exist somewhere. The undersigned believes it is vested in the nation owning the *terra firma*. Custom houses are established on *land* and not on *water*, although their operation extends over the water."

The difficulty in the mind of the Hon. Mr. Smith, will disappear, the moment he perceives the misapplication he has made of terms. It is not by calling Sabine in Texas a port, that it becomes one in the full commercial sense. There must be jurisdiction of water as well as of land; otherwise, the custom house located there will be as unavailable as the medium of enforcing revenue duties from vessels of the United States, using the water under the terms of the treaty, as if it were one hundred miles off, in the back country. Within her jurisdiction, above water mark and on the land, Texas is competent as stated before, to establish such rules and regulations as she may choose to prescribe—she may say that there shall be no import or export, to or from her territory, without the payment of duties at that house, or any other house on the *terra firma*, next to the Sabine, and she may arm the collector with authority to enforce her regulations; but these regulations become inoperative the moment they assume an authority over the waters of the Sabine, or interfere with a jurisdiction which is independent of hers, and is absolute and exclusive over those waters. It cannot then be a question, that the authority to regulate commerce on the waters of the Sabine does not belong to Texas; nor can it be doubted that all regulation not incompatible with the right of the inhabitants of both countries to the common use of those waters, for the purposes of navigation, necessarily belongs to the United States, since it can belong to no other nation without an infringement of the sovereignty acquired by the treaty of 1819, with Spain.

But for the sake of testing the soundness of the argument advanced by the Hon. Mr. Smith, let it be supposed that the United States, instead of acquiring exclusive jurisdiction over the Sabine to its mouth in the sea, possessed only an equal one with Texas. Would the vessels of the United States even then be liable to the exaction as claimed in the present case? The undersigned thinks not. The *terra firma* of the east bank would have as many rights as the *terra firma* of the west bank; and the law of nations respecting the rights of both as equal, would limit the respective jurisdiction of the two countries to the middle of the stream, estimated from the low water mark of the respective banks. So that, if the schooners Louisiana and William Bryan had been anchored on the east side of this line, and had there received from Texan boats their cargoes, it is not

perceived that the right to levy the duties in question could be enforced against the consent of the United States.

The undersigned is willing to admit, but without instructions from his Government on the subject, that a commercial convention between the two countries might be framed, with great advantage to both, which would obviate such grievances as the present. It is but right that Texas should have some convenient mode of preventing the introduction into her territory, on the bank of the Sabine, of foreign productions, without the payment of the duties which are collectable at her ports of entry on the Gulf of Mexico, or elsewhere within her jurisdiction. It is equally important to the United States, that every avenue should be closed, as far as possible, against the receipt into their ports of the productions of Texas, which are now doubtless often shipped to New Orleans, and other points in the Union, without any mode of identifying them by the revenue officers as the growth or production of Texas. The revenue of each country thus suffers; but the existence of such an evil does not confer upon Texas the right claimed for her by the Hon. Mr. Smith, to correct it upon her own terms, without the consent of the United States and in defiance of their jurisdiction over the waters of the Sabine.

The undersigned indulges the hope that the views he has here expressed, will be satisfactory to the Hon. Mr. Smith and to this Government: So far at least as to make manifest the propriety of issuing such instructions to the collector at Sabine, as will prevent the recurrence of similar grievances to the one complained of. Pending the consideration of the proposals, now before this Government for cementing the relations of the two Republics, by the bonds of a common union, it is particularly desirable that no differences of this nature should occur to disturb the feelings or prejudice the interests of the citizens of either country. And if the undersigned has created even a doubt in the mind of this Government, relative to the justice of the claim maintained for the collector, in regard to those tonnage duties, he tru[s]ts that for the present at least, its enforcement will not be attempted.

He has the honor to express to the Hon. M. Allen assurances of the high respect and regard, with which he is his most

obt. hbl. servt.,

A J DONELSON

Hon. EBENEZER ALLEN,

*Atty. Gen. of the Republic of Texas, and Sec'y of State
ad interim etc., etc., etc.*

DONELSON TO BUCHANAN.^a

ALLEN TO DONELSON.^b

DONELSON TO ALLEN.^c

DONELSON TO BUCHANAN.^c

DONELSON TO BUCHANAN.^c

DONELSON TO ALLEN.^c

DONELSON TO CALHOUN.^d

SHAW TO DASHIELL.^e

BUCHANAN TO DONELSON.^f

DONELSON TO JONES.^g

RAYMOND TO BUCHANAN.^h

RAYMOND TO BUCHANAN.ⁱ

RAYMOND TO ALLEN.^j

No 146.

LEGATION OF TEXAS

Washington D. C. April 30th. 1845

SIR,

On my return from a short visit to my friends in Pennsylvania and Ohio I had the pleasure of meeting at Wheeling, on the morning of the

^a April 12, 1845. See Calendar of Correspondence with the United States in Part I.

^b April 14, 1845. See Calendar of Correspondence with the United States in Part I.

^c A. L. S., April 16, 1845. See Calendar of Correspondence with the United States in Part I.

^d April 24, 1844. See Calendar of Correspondence with the United States in Part I.

^e April 26, 1845. See Calendar of Correspondence with the United States in Part I.

^f April 25, 1845. See Calendar of Correspondence with the United States in Part I.

^g April 29, 1845. See Calendar of Correspondence with the United States in Part I.

^h April 30, 1845. See Calendar of Correspondence with the United States in Part I.

ⁱ April 30, 1845. See Raymond to Allen, April 30, 1845.

^j A. L. S.

26th. instant, the Hon Ashbel Smith en route to Europe. We travelled together to within ten miles of Baltimore. He designed sailing from Boston in the Packet of the 1st. proximo. From my conversation with him I am led to expect that the next mail from Texas will bring something definite in regard to the progress of annexation, though the Government seems to be pursuing, as it should do upon a subject of such deep and vital interest to the welfare of our infant Republic, a cautious, prudent and considerate course. Some there are in this and our own country who are disposed to censure the President because he will not rush heedlessly, recklessly and without deliberation right into the arms of the United States, but such men do not stop to reflect upon the fearful responsibility which rests on the Chief Magistrate of a nation when called to act upon a question involving such mighty consequences and so pregnant with weal or woe to the destinies of his country. Whatever is done should be well done.

In a conversation with Mr Buchanan, Secretary of State of the United States, on yesterday, concerning annexation, I expressed the opinion the whole question would probably be referred to the decision of the people of Texas and that their verdict would doubtless influence the course and policy of our Government in its final determination. He replied that such a course could not be objected to, but at the same time expressed great anxiety for speedy action.

A collision between this country and Mexico appears almost inevitable. Her efforts will probably be directed, mainly, against the commerce of the United States. This Government is preparing for the emergency and when the crisis arrives they will be ready to meet it. It is understood, here, that Mexico has proffered us the recognition of our independence on condition that we never become a part of the American Union. If this be so, her extreme sensitiveness on the subject of annexation must proceed from hostility to the United States, and she is placed in a rather unenviable, suspicious and double faced attitude.

I have not a particle of doubt that a large majority of the next Congress of the United States will be favorable to annexation, and I am strongly of opinion a treaty for that object would be ratified by the Senate.

I have the honor to acknowledge the receipt of a despatch from your department dated the 21st. ultimo, in reference to the two children of Mrs Simpson stolen by the Comanches; and in obedience to instructions have communicated the facts in their case to this Government, altho' it had been info[r]mally advised of the same several weeks before. Enclosed herewith I transmit you a copy of my communication of this date on the subject, to the Secretary of State.

The box of printed official documents for your Department, mentioned in my despatch No 145, Mr Williams, if he have not already

done so, will forward from Baltimore to Galveston the first opportunity. I hope to obtain some more before I take leave of this Government.

I am with high respect

Your Most Obedient Servant

CHAS. H. RAYMOND

Hon. EBENEZER ALLEN

Att'y Genl. and Secty of State ad interim

Washington

Texas.

[Inclosed is a copy of Raymond to Buchanan, April 30, 1845. There were also probably inclosed in this despatch two other documents which are filed separately. These are Almonte to Calhoun, March 6, 1845; Buchanan to Almonte, March 10, 1845.^a]

DONELSON TO JONES.^b

ALLEN TO JONES.^c

ALLEN TO JONES.^d

DONELSON TO JONES.^e

DONELSON TO BUCHANAN.^f

CLARENDON TO TERRELL.^g

DONELSON TO BUCHANAN.^g

RAYMOND TO BUCHANAN.^h

^a For all three of these letters, see Calendar of Correspondence with the United States in Part I.

^b May 2, 1845. See Calendar of Correspondence with the United States in Part I.

^c May 3, 1845. See Calendar of Correspondence with the United States in Part I.

^d May 4, 1845. See Calendar of Correspondence with the United States in Part I.

^e May 5, 1845. See Calendar of Correspondence with the United States in Part I.

^f May 6, 1845. See Calendar of Correspondence with the United States in Part I.

^g May 11, 1845. See Calendar of Correspondence with the United States in Part I.

^h May 17, 1845. See Raymond to Allen, May 19, 1845.

BUCHANAN TO RAYMOND.^aALLEN TO DONELSON.^bRAYMOND TO ALLEN.^c

No 147.

LEGATION OF TEXAS
Washington [City] May 19th. 1845

SIR

Enclosed herewith I have the honor to transmit to you a copy of my communication to Mr Buchanan Secretary of State of the United States, informing him of the acceptance of my resignation and my permission to return home;^d and of his reply to the same.

I had a parting interview to day with the President and Secretary of State. They were considerably elated by the recent news from Texas, and expressed great gratification at the favorable prospect of annexation, and assured me that nothing should be wanting on the part of the Executive of this country towards ensuring to Texas her just rights after she shall have become a member of this Confederacy

On last friday evening I had the pleasure of a long conversation with the President in regard to annexation. He is of opinion, the wisest and safest course for Texas to pursue is to accede, at once, to the terms of the Joint Resolution, as proposed, and trust to the justice, honor, and magnanimity of this nation to correct whatever injustice may have been done to Texas by the Act of Congress. He has no confidence in the Whig Senators, on this question, and consequently believes it would be endangered by a treaty. He remarked there would not, probably, be a war between this country and Mexico growing out of the annexation, nor did he apprehend any difficulty with Great Britain on this or the Oregon question, nevertheless the Government of the United States would maintain the ground it had taken on these questions towards those countries. He asked if I had *any* doubts about the acceptance by the Government and people of Texas of the proposition for annexation now before them. I told him frankly and unhesitatingly that I entertained none whatever—that they had all along been in favor of the measure, and that one of the first acts of President Jones was to inform me that the annexation of Texas to the American Union was a measure earnestly desired by the Government, and to instruct me to use my most strenuous exertions in every proper manner for its accomplishment.

^a May 19, 1845. See Raymond to Allen, May 19, 1845.^b May 19, 1845. See Calendar of Correspondence with the United States in Part I.^c A. L. S.^d May 17, 1845.

The only matters now pending here are the Snively and Red River cases. I learn, upon inquiry, that Congress made no provision for the payment of our claims of indemni[fi]cation in the cases alluded to—the reason assigned is that the evidence was not furnished in time for examination and action. I presume there will be no difficulty in obtaining the necessary appropriations the ensuing session of Congress.

I shall leave here to morrow morning for Cincinnati, Ohio, where I shall stop a few days and then proceed to Washington, Texas, where I expect to arrive about the meeting of Congress.

The Archives of the Legation I have placed in the hands of John Underwood Esq of the Treasury Department, where they will remain safely and securely until my successor arrives.

My last dispatch from your Department bears date the 21st. of March, last. I have received the "National Register" of the 1st. instant.

Judge Toler sailed from New York for Texas, about a week ago, on board the barque "Star Republic."

I have the honor to be, with sentiments of highest consideration

Your Most Obedt. Servt.

CHAS. H. RAYMOND

HON. EBENEZER ALLEN

Secretary of State

ad interim,

Etc. Etc. Etc.

[Inclosed are Raymond to Buchanan, May 17, 1845, taking leave, and Buchanan to Raymond, May 19, 1845, in acknowledgment.]

DE CYPREY TO JONES.^a

DONELSON TO ALLEN.^b

DONELSON TO BUCHANAN.^c

DONELSON TO JONES.^d

DONELSON TO BUCHANAN.^e

^a May 20, 1845. See Calendar of Correspondence with the United States in Part I.

^b A. L. S., May 24, 1845. See Calendar of Correspondence with the United States in Part I.

^c May 24, 1845. See Calendar of Correspondence with the United States in Part I.

^d June 1, 1845. See Calendar of Correspondence with the United States in Part I. No copy has been found in the archives.

^e June 2, 1845. See Calendar of Correspondence with the United States in Part I.

BUCHANAN TO DONELSON.^a

DONELSON TO BUCHANAN.^b

PROCLAMATION ENJOINING CESSATION OF HOSTILITIES AGAINST
MEXICO.^c

ALLEN TO JONES.^d

JONES TO DE CYPREY.^e

DONELSON TO ALLEN.^f

DONELSON TO BUCHANAN.^g

DONELSON TO BUCHANAN.^h

DONELSON TO ALLEN.ⁱ

BUCHANAN TO DONELSON.^j

DONELSON TO BUCHANAN.^k

RAYMOND TO JONES.^l

^a June 3, 1845. See Calendar of Correspondence with the United States in Part I.

^b June 4, 1845. See Calendar of Correspondence with the United States in Part I.

^c June 4, 1845. See *Senate Journal*, 9th Tex. Cong., Extra Session, p. 37. Copy inclosed with Allen to Kaufman, July 10, 1845.

^d June 5, 1845. See Calendar of Correspondence with the United States in Part I.

^e June 6, 1845. See Calendar of Correspondence with the United States in Part I.

^f L. S., June 11, 1845. See Calendar of Correspondence with the United States in Part I.

^g June 11, 1845. See Calendar of Correspondence with the United States in Part I.

^h June 13, 1845. See Calendar of Correspondence with the United States in Part I.

ⁱ L. S., June 13, 1845. See Calendar of Correspondence with the United States in Part I.

^j June 15, 1845. See Calendar of Correspondence with the United States in Part I.

^k June 19, 1845. See Calendar of Correspondence with the United States in Part I.

^l June 21, 1845. See Calendar of Correspondence with the United States in Part I.

 DONELSON TO STOCKTON.^a

 ALLEN TO DONELSON.^b

 DONELSON TO BUCHANAN.^c

 DONELSON TO ALLEN.^d

 ALLEN TO DONELSON.^e

 DONELSON TO ALLEN.^f

 DONELSON TO ALLEN.^g

[Wishes to leave the books and property of the legation in charge of the department of state of Texas, subject to the orders of the United States, and requests that a clerk be sent to make out an inventory and give a receipt].^h

 ALLEN TO DONELSON.ⁱ

 ALLEN TO DONELSON.^j

 DONELSON TO TAYLOR.^k

 DONELSON TO ALLEN.^k

^a June 22, 1845. See Calendar of Correspondence with the United States in Part I.

^b June 23, 1845 (as to annexation). See Calendar of Correspondence with the United States in Part I.

^c June 23, 1845. See Calendar of Correspondence with the United States in Part I.

^d L. S., June 23, 1845 (acknowledging receipt of letter concerning annexation). See Calendar of Correspondence with the United States in Part I.

^e June 23, 1845 (as to resolution tendering the gratitude of Texas to Jackson). See Calendar of Correspondence with the United States in Part I.

^f A. L. S., June 23, 1845 (acknowledging receipt of letter transmitting resolution of gratitude to Jackson). See Calendar of Correspondence with the United States in Part I.

^g A. L. S., June 24, 1845.

^h With the correspondence is filed a copy of the receipt dated June 30, 1845, signed by Chas. Mariner, Acting Chief Clerk.

ⁱ June 26, 1845. See Calendar of Correspondence with the United States in Part I.

^j June 28, 1845. See Calendar of Correspondence with the United States in Part I.

^k L. S., June 30, 1845. See Calendar of Correspondence with the United States in Part I.

ALLEN TO JONES.^a

DONELSON TO BUCHANAN.^a

DONELSON TO BUCHANAN.^a

RUSK TO DONELSON.^b

DONELSON TO RUSK.^c

DONELSON TO BUCHANAN.^c

RUSK TO DONELSON.^d

RAYMOND TO JONES.^e

[Transmits a copy of a resolution relative to the occupation of Texas by United States troops adopted by the Texan convention that day].^f

DONELSON TO BUCHANAN.^g

DONELSON TO TAYLOR.^g

ALLEN TO KAUFMAN.

DEPARTMENT OF STATE

Washington [Texas] 10 July 1845

SIR—

This Department is charged by the Executive to communicate through you to His Excellency the President of the United States

^a July 2, 1845. See Calendar of Correspondence with the United States in Part I.

^b July 5, 1845. See Calendar of Correspondence with the United States in Part I.

^c July 6, 1845. See Calendar of Correspondence with the United States in Part I.

^d July 7, 1845. See Calendar of Correspondence with the United States in Part I.

^e A. L. S., July 7, 1845.

^f For the resolution see Calendar of Correspondence with the United States in Part I under title of Rusk to Donelson, July 7, 1845.

^g July 7, 1845. See Calendar of Correspondence with the United States in Part I.

the enclosed Documents, consisting of a copy of the Joint Resolution adopted by the Texian Congress, and approved on the 21st ultimo, "tendering to Gen Andrew Jackson the tribute of a nations Gratitude-"; and a copy of the Ordinance adopted by the Convention of Delegates on the 4th instant, manifesting their consent to the terms conditions and guaranties, contained in the two first sections of the Joint Resolution adopted by the Congress of the United States, and presented to this Government on the 31st of March last, by their Chargé d' affaires—the Hon Mr Donelson, as the basis for consummating the Annexation of Texas to the Federal Union.^a

In performing this duty now assigned you, you will avail yourself of the occasion to present to His Excellency renewed assurances of the distinguished consideration and regard of the President of this Republic.

I have the honor to remain with sentiments of high respect,
Your very obedient and Faithful Servant

E. ALLEN
Secretary of State.

HON DAVID S. KAUFMAN
Chargé d' Affaires of Texas
etc etc etc

ALLEN TO KAUFMAN.

DEPARTMENT OF STATE
Washington [Texas] 10 July 1845

SIR—

This Department is in receipt of your note under date of the 28th. ultimo signifying your acceptance of the appointment tendered by the Executive of Chargé d' Affaires of this Republic to the United States. Having already been furnished with Letters of Credence and your Commission, it remains for this Department to impart such instructions as may be deemed proper for guidance in the discharge of your diplomatic functions.

You are accordingly directed to repair with as little delay as possible to your post at the City of Washington on the Potomac—there to take possession of the archives, seals, papers and books belonging to the Texian Legation, and to establish your residence near the Government to which you are accredited.

On your arrival, you will call upon the Secretary of Foreign Affaires, present to him in person the Letters of Credence with which you are furnished; and request to be informed of the time and place at which, you may be admitted to an interview with His Excellency the President of the United States;—at which interview you will tender to him

^a See Niles' Register, LXVIII, 344; Gammel, *Laws of Texas*, II, 1228-1230.

the salutations of His Excellency the President of Texas, with the assurance of his friendly dispositions and cheerful cooperation in carrying out and perfecting, the policy and measure of *Annexation* according to the terms of the adopted and pending basis.

In the existing attitude of relations between Texas and the United States, the strong necessity for the utmost good understanding, unity of purpose and mutual confidence between the Executive Governments of the two countries, will naturlly suggest itself to your mind. However confident each of the interested Powers may be in the anticipation of a speedy and propitious union of the two countries; and notwithstanding the consent of the existing Government of Texas in its Executive and Legislative branches, and the consent of the Delegates in convention, have been given to the proposition; still it should not be disguised, that the consummation of the measure is not yet secure from the dangers of defeat, even in this country.

There are many secret but influential opposers of the measure, who have been borne along by the current of popular excitement, ostensibly extending to it their support, but who are awaiting only an opportunity to resist and defeat it.

Matters of local interest and subjects of irreconcilable discord, incentives to partisanship, intrigue and disorganization are attempted to be pressed upon the Convention, tending to *revolution* instead of *annexation*, and threatening to incorporate in the projected constitution, matters incompatible with the principles of the Constitution of the United States.

These considerations evince the importance of perfect concert and harmony of action, and of coincidence and cooperation of purpose, no less than prudent circumspection, on the part of those respectively charged with the administration of the two Governments.

The Policy pursued therefore, by the Executive of Texas pending negotiations touching annexation, towards the Governments of England, France and Mexico, should be understood and appreciated by the American Cabinet.

The many misrepresentations that have been industriously circulated both by the press and by designing individuals in both countries, are calculated to lead to error; but the President would not do that Cabinet the injustice to entertain the supposition that any of its members can have consented to receive impressions from such sources.

When the overture for annexation was communicated on the part of the United States by their Chargé d' Affaires, the Hon Mr Donelson, to this Government on the 31st of March last, the latter had long been on terms of friendly national intercourse with the sovereignties of England and France, whose diplomatic agents were then residing near this Government. That overture in view of the President, created no cause or excuse on the part of Texas, for an

abrupt termination of that intercourse. To its continuance, the presence of a diplomatic agent of this Republic at the Courts of London and Paris, was necessary; and Mr Smith, who had then but recently returned from Europe, was sent back to resume the function of Chargé d' Affaires of Texas, some time suspended by absence from his post, and by the Senate's rejection of the appointment of Mr Terrell. The intercourse of Mr Smith with those Courts, under the instructions of the Executive, has doubtless had an effect to reconcile their Sovereigns to the policy of annexation. But, aside from this consideration, the usages of national courtesy and comity required such a measure on the part of the Executive of Texas; especially at a juncture, when a change in the policy of the country, not favored by the European Powers, was about to take place; in order that the proper explanations concerning the course of the authorities and people of Texas might be seasonably made to those Powers.

Mr Smith having satisfactorily performed the duties of his mission, was recalled early in June ultimo.

The good offices of England and France to obtain a recognition of the independence of this Republic from Mexico, had been solicited and obtained by the Executive of Texas, long before the adoption by the American Congress, of the Joint Resolution, proffering the alternative and defining the basis of *annexation* to the Federal Union. Among the high obligations to the community imposed upon the Executive by the very tenure of his official charge, that of securing *acknowledged independence* to the nation, with its incidents of quiet and freedom from the distresses of frontier and marauding warfare; protecting the industry and nascent resources of the country from the paralysing influence of threatened hostilities; and securing to the Republic additional dignity and elevation in the scale of nationality, was paramount; and one, for the violation of which, no dispensation could prevail. Surely the impression cannot obtain, that the arrival from the United States of the proposition for annexation, however welcome to the authorities and people of Texas, could operate to discharge her Executive from the performance of a duty so imperative, as that of using his best efforts to secure an acknowledgment of her independence from Mexico. Negotiations to gain that acknowledgment and to procure the consent of the United States to the measure of annexation, had long been simultaneously carried on. Never was it supposed that those negotiations aimed at the attainment of objects, incompatible with each other: and the Executive conceives that his course would have been most censurable, circumstanced as the country then was, if he had failed to use every honorable means for the accomplishment of each and both those objects.

The acceptance of a proposition for annexation necessarily referred itself to the decision of the nation, not to that of the Executive; and

the Chief Magistrate, having it in his power to present to the nation such a proposition from the United States, along with a recognition of its independence from Mexico, was no more at liberty to withhold the *one* than the *other*. The people were entitled to choose between the two alternatives.

Impressed by such considerations the Executive in March last, placed at the disposal of the representatives of France and Great Britain, upon their renewal of the offer of the good offices of those Powers with Mexico, for a peaceful settlement of the difficulties between the two republics, upon the basis of her acknowledgment of the independence of Texas, with the understanding that the latter would maintain her separate existence;—a statement of conditions preliminary to a treaty of peace.

These conditions were subsequently acceded to by Mexico, and remitted to this Government through the diplomatic functionaries of France and England.

Upon their reception, the President issued his proclamation to the People of Texas dated the 4th of June last; wherein are stated the "circumstances which preceeded and led to that understanding with Mexico," and the principles which influenced him in the transaction.^a

From that Proclamation (a copy whereof is enclosed for reference) it will be seen that the Executive, on placing in the hands of the British and French Ministers, the preliminaries referred to, declared his readiness "to submit them to the people of this country for their decision and action, as soon as they were adopted by the Government of Mexico; "—that those functionaries and their respective Governments were emphatically reminded," that he was no more than the agent of the people;— that he could neither direct, control, nor influence their decision; and that his bounden duty was to carry out their determination constitutionally ascertained and expressed, be it what it might; "—that our Representative at the Courts of France and Great Britain was specially instructed to press upon the attention of those Governments, that, if the people of Texas should determine to put an end to the separate existence of the country, the Executive, so far as depended upon his official action, must and would give immediate and full effect to their will."

The inconsistency, illiberality and injustice of charging that any measure of policy hitherto adopted or pursued by the Executive originated in a spirit of hostility to the cause of annexation, it is believed are now manifest. The good offices of England and France had been invoked and conceded;—the unwillingness of those Powers to see Texas merge her nationality was understood; the President in accepting their invited intervention; in reminding them that its results were to be submitted to the decision of the nation; in impress-

^a See *Niles' Register*, LXVIII, 258.

ing at the Courts of Great Britain and France, that, to choose between a distinct national existence, and incorporation with the Union, was alone the prerogative of the Texian people; in receiving and presenting for their choice *those alternatives*, as proffered by the United States on the one hand, and by Mexico on the other:—has but acted in that spirit of impartiality and justice, which the relations of Texas with each of those several powers impelled him to assume; animated at the same time by an earnest desire faithfully to discharge his official obligations towards the people of this Republic.

In the exercise of their right, the people have so manifested their decided preference for *annexation* over the correlative proposition;—a preference deriving higher merit from the acknowledged value of the rejected *alternative*;—that the Executive conceives he would prove recreant to his trust, should he not exclusively devote his energies to a prompt and faithful consummation of the measure of annexation, according to the terms of the pending overture.

You will fully communicate the preceding views and sentiments entertained by the Executive, to the President of the United States; and assure His Excellency of his readiness and zeal to cooperate in any measure calculated to hasten and secure the Union of the two Republics.

You will keep this Department duly informed of your proceedings, and of all matters important in your judgment to be communicated for the information of the Government.

With these instructions, accept the assurance of distinguished consideration and regard with which I have the honor to be

Your Very Obedient and Faithful Servant

EBENR ALLEN

Secretary of State.

HON. DAVID S. KAUFMAN

Chargé d' Affaires of Texas

etc etc etc

DONELSON TO BUCHANAN.^a

JONES TO POLK.^b

EXECUTIVE DEPARTMENT

Washington, on the Brazos. July 12th. 1845.

To His Excellency JAMES K. POLK,

Etc. Etc. Etc.

SIR.

I avail myself with much pleasure of the opportunity afforded me by the return of General Besançon to address your Excellency

^a July 11, 1845. See Calendar of Correspondence with the United States in Part I.

^b See Records of Department of State (Texas), Book 47, p. 40.

this letter, and to communicate to you the gratifying intelligence, that the Deputies of the People of Texas assembled in Convention at the City of Austin on the 4th. Instant, and adopted on that day an ordinance expressing the acceptance and assent of the people to the proposals made by the government of the United States on the subject of the Annexation of Texas to the American Union.

This assent given with promptness and with much unanimity affords the assurance that this great measure, to the success of which, your Excellency is so sincerely attached, will be consummated without further difficulty and as I ardently hope in peace.

I shall have the further satisfaction to transmit to you very soon by request of the Convention, a copy of the ordinance I have now reference to, which will be placed in your hands by Mr. D. S. Kaufman, whom I have caused to be accredited as Chargé d'Affaires of Texas near your Government, and I beg you to accept in the meantime, assurances of the high regard with which I am

Your Excellency's

Most Obedient

and very humble servant

ANSON JONES

DONELSON TO ALLEN.^a

DONELSON TO BUCHANAN.^b

DONELSON TO TAYLOR.^c

DONELSON TO BUCHANAN.^c

JONES TO MOUTON.^d

[Asks for the restoration of certain slaves to Mrs. Mary E. H. Shotwell, who were unlawfully taken from her by N. J. Moore and Samuel Stevens and carried to New Orleans, where they are now held.]

^a A. L. S., July 16, 1845. See Calendar of Correspondence with the United States in Part I.

^b July 22, 1845. See Calendar of Correspondence with the United States in Part I.

^c July 24, 1845. See Calendar of Correspondence with the United States in Part I.

^d L. S., July 25, 1845. In the files of the correspondence is a letter from Mrs. Shotwell to Jones, July 14, 1845, transmitting a copy of a memorial from her of July 16, 1845—the memorial was attested after the letter was signed—, asking for the recovery of the slaves. Mouton was governor of Louisiana. See Allen to Mrs. Shotwell, July 28, 1845.

ALLEN TO MRS. SHOTWELL.^a

[Transmits Allen to Mouton, July 25, 1845, to have the blanks filled and to be forwarded by mail.]

ALLEN TO DONELSON.^b

BUCHANAN TO DONELSON.^b

BUCHANAN TO ALLEN.^c

CRAWFORD TO DONELSON.^d

ALLEN TO LEE.

DEPARTMENT OF STATE
Washington [Texas] 2 August 1845.^e

SIR

Advices have reached this department that the Hon David S. Kauphman ^fis sick at Nacogdoches, and that some weeks may elapse before he will be able to repair to his post as Chargé d'Affaires of this Republic at the City of Washington. It is hoped that his confinement will be of short duration, and that he will soon be able to assume the discharge of his official functions.

But it is deemed necessary in the mean time that this Government should be represented by a proper diplomatic agent near the Government of the United States.

By virtue of your appointment as Secretary of Legation, you are authorised to discharge the duties of Acting Chargé d'Affaires in the event of the absence of the principal officer from his post; and it is deemed advisable by the President that you enter upon the discharge of those duties, upon your reaching Washington unless the arrival of Mr Kauphman may be relied on in course of one or two weeks in which event you are to be governed by your own discretion under the circumstances of the case.

Together with a proper commission, Letters of Credence, and an office copy of the same, addressed to the Secretary of Foreign Affairs of the United States will be herewith furnished you.

You will proceed therefore with all convenient despatch to the City of Washington on the Potomac, where you will take possession of the archives, seals and books belonging to the Texian Legation

^a July 28, 1845.

^b July 28, 1845. See Calendar of Correspondence with the United States in Part I.

^c L. S., July 28, 1845. See Donelson to Allen, August 14, 1845 (transmitting certain letters).

^d July 29, 1845. See Donelson to Allen, August 14, 1845.

^e Received August 31. See Lee to Allen, September 8, 1845.

^f Kaufman.

there; and on your arrival, call upon the Secretary of State of the United States, and deliver to him in person your original Letters of Credence, retaining the office copy.

You will request of him to be presented at the proper time and place, to His Excellency the President of the United States, and tender to him at the audience, the salutations of His Excellency the President of Texas, with the assurance of his friendly dispositions and cheerful cooperation in carrying out and perfecting the policy and measure of *annexation*, according to the terms of the adopted and pending basis.

For your further guidance, you will open the Letter of Instructions addressed to the Hon. David S. Kaufman Chargé d'Affaires of Texas, and be governed by the directions therein contained.

You will keep this department duly informed of your proceedings and of all matters which you may deem important to be communicated to this Government; and on the arrival of Mr Kauphman to take charge of the Legation, acquaint him with whatever may have transpired therein, during the interval of his detention or absence therefrom.

With those instructions, I have only to add the assurance of distinguished consideration with which

I am

Your Obedient Servant

EBNR. ALLEN.
Secretary of State.

Hon. WILLIAM D. LEE
Acting Chargé d'Affaires of Texas
etc etc etc

DONELSON TO ALLEN.^a

MASON TO RHODES.^b

DONELSON TO ALLEN.^c

DONELSON TO ALLEN.^d

[Inclosed are Buchanan to Allen, July 28, 1845, announcing that Donelson has leave to return to the United States, and Crawford to Donelson July 29, 1845 which follows.]

^a A. L. S., August 5, 1845. See Calendar of Correspondence with the United States in Part I.

^b August 7, 1845. See Rhodes to Allen, August 21, 1845 (announcing the authority of Rhodes to communicate with the Texan government).

^c L. S., August 14, 1845 (concerning annexation). See Calendar of Correspondence with the United States in Part I.

^d L. S., August 14, 1845 (transmitting certain letters). See Calendar of Correspondence with the United States in Part I.

CRAWFORD TO DONELSON.

WAR DEPARTMENT
OFFICE INDIAN AFFAIRS

July 29, 1845.

SIR,

I have the honor to acknowledge the receipt of your letter of the 7th. inst. addressed to the Secretary of War and referred by him to this Office, covering the communication of Dr. J. W. Robertson relative to the negro boys, belonging to him, now in the Creek nation.

An order has this day been forwarded to Col James Logan, the Creek Agent to deliver up these negroes to their rightful owner, and you will please inform Dr Robertson that they will be at his disposal or that of his Agent, whenever the order shall have reached the Creek Agent, and been carried out.

Very respectfully

Your Obt Serv't,

T. HARTLEY CRAWFORD.

Hon ANDREW J DONALDSON,
U S Chargé d'Affaires,
Texas.

RHODES TO ALLEN.^a*Private.*

CONSULATE OF THE UNITED STATES
OF AMERICA AT GALVESTON TEXAS,
August 21st. 1845.

DR. SIR

Herewith you have enclosed a letter from the State Department of the United States directed to me by which you will perceive I am Authorized to Communicate with the Government of Texas, in the absence of Major Donelson; After you have read it and showed it to his Excellency the President of Texas you will have the kindness to return it to me, and Oblige your

Obedient Servt

E A RHODES
Actg U S Consul

To the Honble
EBENEZER ALLEN

Secretary of State
etc etc etc.

Austin Texas

DEPARTMENT OF STATE
Washington [City] Aug. 7th 1845.

E. A RHODES Esquire
*Acting Consul of the U. States
 at Galveston, Texas.*

SIR

Enclosed you will receive a duplicate of a despatch addressed to Major Donelson. If, as is probable he has left Texas on his return to the United States, the President directs that you will consider the despatch as directed to yourself confidentially, and you will with the least practicable delay place yourself in communication with the Texian Government and carry into effect the instructions contained in that despatch

You will communicate with this Department the measures you may have taken so soon as you have received an answer from the Government of Texas.

I am, Sir Respectfully
 Your Obedient Servant

J. Y. MASON

A Copy of the original

JOSEPH C. ELDRIDGE
*C. Clk Dept of State
 Texas*

DONELSON TO BUCHANAN.^a

DONELSON TO BUCHANAN.^a

RHODES TO ALLEN.^b

CONSULATE OF THE UNITED STATES
 OF AMERICA AT GALVESTON REPUBLIC OF TEXAS,
August 21st 1845.

SIR,

I have the honor to inform you that I have received today pr. Steamer Mc Kim, a Communication from the Department of State of the United States, inclosing a duplicate of a Despatch addressed to Major Donelson, which I am instructed to Open in the event of his Absence, and to Communicate with the least practicable delay, with the Government of Texas, upon the Subject thereof. In pursuance

^a August 14, 1845. See Calendar of Correspondence with the United States in Part I.

^b A. L. S.

of those instructions I hasten by Special Messenger to place you in possess of the information contained in that Despatch together with the Views and Wishes of the president of the United States.

Intelligence has reached the President, which has an appearance of Authority not to be disregarded that the Mexicans are approaching the frontier of Texas in considerable force, that General Paredes, with Seven thousand men is at San Luis Potosi and that General Arista with three thousand, principally Cavalry, is in position on or near Rio del Norte, and that these troops are destined for the invasion of Texas; with, or without a declaration of War with the United States.

The Government and people of Texas, by their delegates in Convention having accepted the Conditions of Annexation, proposed in the first and second sections of the joint resolutions of the Congress of the United States on that Subject, the President, considers it to be his constitutional duty to repel a hostile invasion of Texas with all the means at his disposal.

The troops under General Taylor, have proceeded to the points on the frontier of Texas, at which it was supposed they could act most efficiently in the attainment of this Object. Orders have also been given to Commodore Conner to employ the Naval forces under his command in co'operation with the Troops. The regular force which could be transferred on this duty, with the reinforcements which will immediately be Ordered to report to the Officer Commanding, may not be sufficient to resist so imposing a force, as that, which it is believed is about to invade Texas.

The President has no authority to call out the Militia of Texas, but he has entire confidence in the Patriotism and bravery of those Gallant men, nor does he doubt their enthusiastic readiness to cooperate with their brethren from the United States, in repelling the invaders of their Own soil. Their cooperation may become necessary—and in View of this Necessity, I am instructed by the president, to place myself without delay (in the absence of Major Donelson), in communication with the Government of Texas; and to propose that Volunteers may be invited to join the United States' troops, under the command of General Taylor; Organized and Officered by Officers of their Own Selection, to be mustered into the service of the United States in such numbers as the United States' Commanding General May deem necessary. I am also instructed to say that the information received by the President, is believed to be Authentic, and is such that he can not disregard; but the Superior opportunities, enjoyed by the Government of Texas and by General Taylor on the frontier, may satisfy them that the danger of invasion is not imminent. In that event it is not desired that Volunteers should be called from their homes into Actual Service;

Apprehending that there may be a deficiency of Arms and Munitions in Texas, the President has Ordered them to be placed in a depôt at Galveston Subject to General Taylors Orders, in sufficient quantity for ten thousand men, they will be furnished to the Texan Volunteers under such regulations as may issue from the War Department for their return when the Men are discharged. Rations will be issued to the Volunteers while mustered in service of the United States and tho there is no appropriation from which the president can have these troops paid, there is no reason to doubt, that troops thus employed will be placed by Congress upon precisely the same footing, as troops would be who had been regularly called Out, to repel an invasion of any of the existing States.

I am likewise instructed to communicate to the Government of Texas that it is not the wish or purpose of the President to limit the number of men which that Government may deem necessary to defend the Country; but to guard against misunderstandings which may fatally disturb the harmony of cooperation, it is deemed most advisable, that no Volunteers shall be mustered into the Service of the United States, except such as may be required and approved by the Commander of our troops in that Service. All others will act under the Authority of Texas.

In as much as under the peculiar circumstances, there will be felt on the part of the United States Government the greatest solicitude to know with certainty, what may be the dangers and exigencies of Texas, the undersigned would respectfully request Mr Allen to communicate to him for the information of the president of the United States by the return of the bearer Mr James Rhodes, what are the Views and wishes of his Excellency the President of Texas.

I have the honor to be Your Obedient Servant

E A RHODES

Actg U. S. Consul

To the Honbl. E. ALLEN

Secretary of State etc etc

JONES TO TAYLOR.

EXECUTIVE DEPARTMENT

City of Austin Augt. 23d 1845

SIR,

I have the honor to acknowledge the receipt of your letter of the 16th Inst. which was delivered me last evening.^a I have received no definite information in regard to a commencement of hostilities on the part of Mexico against the United States, but have rather

^a This letter has not been found.

inclined to the opinion that she would not adopt that course. The troops which she is moving towards Matamoros I thought probable might be intended only for the defence of that point and that the collection of them there was induced by the fact that the U. S were moving troops to Corpus Christi and that the intention of the Govt. of Mexico was to act only defensively at present. This view however may not be correct, and it is certainly best to be fully prepared for the opposite alternative and a due regard to the general welfare may make it necessary and quite proper that the whole of your force should be concentrated at Corpus Christi for the defence of that point. In this situation of affairs I concur in your recommendation that the different points on our frontier, now occupied by any troops in the service of Texas should continue to receive adequate protection in the manner you propose, against any outbreak of Indians which might occur, as well as against our Mexican enemies. I would therefore designate as you request the following companies to be mustered into the service of the U. S. in the manner you propose viz; One full company of Rangers (mounted gunmen) under the command of Captn P. Hansborough Bell at Corpus Christi. One full company, of Rangers as above under the command of Capt. John T. Price at or near Goliad this company to be continued in position near Goliad or to be transferred to Corpus Christi as you may think proper to direct. One full company of Rangers at Bexar under the command of Major J. C Hays One full company of Rangers at the city of Austin under the command of Capt D. C. Cody One full company of Artillery at Austin under the command of an officer to be selected and appointed by me One company of Rangers of thirty men at Caldwell Milam Co under the command of Lt. R. S. Teal One company of rangers of thirty men at T. J. Smith's in Robertson Co. under the command of Lt. Thomas J. Smith. One company of rangers of thirty men at Dallas in Fannin County, under the command of Lt. John McGarra. These several companies will it is believed afford adequate protection under present circumstances to the several points indicated on our frontier, and serve as nuclei around which to rally a volunteer or militia force in the event of any sudden outbreak of the Indians, or an irruption on the part of the Mexicans.

I send by the bearer of this to Col. Clark L. Owen of Texana a Commission as Col. in the volunteer infantry of Texas with instructions from the Secty of War and Marine to enroll and have in readiness a force not exceeding One thousand men—and to muster them into service and place himself under your command and cooperate with you in the event of an actual invasion by Mexico, or upon your request. The number of men you may wish called into service, under Col. Owen not exceeding the above number you will please

make known to him and they will be mustered accordingly. Each man will be expected to furnish himself with a rifle and fifty rounds of ammunition, and to conform strictly to the orders of the officers in command.^a

Your proximity to the scene of active operations and means of early information will enable you to judge correctly of the amount of force you will require. If those designated above should not be sufficient I will at your request call into service any additional number of men, within my control that you may indicate.

I shall remain at this place until a day or two after the adjournment of the Convention which will probably take place about the 1st Sept. The Sect'y of War and Marine will continue his office permanently here. If in his power he will pay you a visit in the course of two or three weeks at Corpus Christi. I shall return to this place in October. Should the State of your service permit it will afford me much gratification to meet you and to confer with you personally in relation to the dispositions proper to be made for the permanent occupation and defence of the frontier of Texas and upon matters connected therewith.

I have the honor to be
with the highest respect
Your Obt. Svt

ANSON JONES

To Gen. Z. TAYLOR
U. S. A
Commanding Army of Occupation

RAYMOND TO POLK.^b

ALLEN TO RHODES.^c

DEPARTMENT OF STATE

Austin 30 August 1845

E. A. RHODES, Esquire,
Acting Consul of the United States at Galveston

etc etc etc

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the note addressed to him

^a There are on file with the Diplomatic Correspondence two letters from Jones to Owen, dated respectively August 23, and August 28, 1845. In the first Jones sends Owen a colonel's commission with instructions and states that Captains Bell and Price are authorized to enroll sixty men each and muster them into the service of the United States; that Taylor apprehends an attack from the Mexican forces concentrating at Matamoros; that Jones himself has designated the points at which men are to be enlisted and stationed, and their number. In the second letter, he states that the probability of Mexican invasion is increasing, and that the United States has made a deposit of arms and munitions at Galveston.

^b August 28, 1845. See Calendar of Correspondence with the United States in Part I.

^c See Records of Department of State (Texas), Book 44, p. 281.

by E A Rhodes, Esqr., acting Consul of the United States at Galveston, under date of the 21st instant communicating intelligence transmitted to the President of the United States, touching the recent movements of Mexican Troops under Generals Paredas^a and Arista, and the preparatory measures of His Excellency adopted and advised for the protection of Texas against their attacks.

Intelligence of a similar character, but less full in its details, has been communicated to the Executive in a dispatch from Gen Taylor, under date of the 16 instant, and in a note from Mr Donelson, dated the 5th instant and transmitted to this Department. His Excellency's reply to the note of Gen Taylor was dispatched on the 23d instant and its contents express the opinion then entertained by the Executive that the Mexican forces concentrating at Matamoras and other points upon the Rio Grande, were not intended for the immediate invasion of Texas, but rather to remain in position and act defensively for the present. That opinion was based upon such evidences as were then in possession of the Executive; but the additional and specific information contained in the note of Mr. Rhodes, relating to the intelligence from authentic sources which has reached the President of the United States, leaves little room to doubt that those troops are designed by the Mexican Government for hostile operations against Texas. There is no reason to suppose that such hostilities would be preceeded by any formal declaration of war by Mexico against the United States; nor that her belligerent operations would be carried on [in] the form of sustained and systematic warfare. After a brief series of sudden attacks and rapid evolutions, the Mexican forces would again retire across the Rio Grande, with what of success or defeat might befall them. Since the battle of San Jacinto, they have never entertained a serious hope of reconquering the country, nor a settled determination to invade it. As heretofore, they would now be content after inflicting upon the border the calamities incident to an irregular and destructive irruption of their semi-barbarous soldiery.

The President has at the request of Gen Taylor designated four full companies of sixty men each, and three half companies of Rangers, and one company of Artillery, all properly officered to be mustered into the service of the United States. He has also ordered Col Clark L Owen of Texana to enrol and have in readiness a volunteer corps of infantry—not to exceed one thousand men. These forces will be ready to act with the utmost promptitude against the enemy for the defence of the frontier and at the call of Gen Taylor. His Excellency further informed that officer in his reply that he would at his

^a Paredes.

request call into service any additional number of men which might be required, and which could be furnished.

Gen Taylor will doubtless communicate to the Executive any cause or occasion which may arise for an additional employment of forces to cooperate with those under his command; and his call will be promptly attended to. From his frontier position and the facilities in his power for acquiring all necessary information, he will no doubt be able to anticipate any important hostile movement of the enemy in season for a sufficient force to concentrate and to meet it.

The President is gratified to learn from the note of Mr. Rhodes that arms and munitions of war are placed in depot at Galveston sufficient for ten thousand men by order of the Executive of the United States. In the event of an invasion by the Mexicans, those arms and munitions would be indispensable for the use of the Texian soldiery; and in that event, it is the design of His Excellency, that the seat of active hostilities shall be as soon as practicable forced back beyond the Rio Grande, and that the scene of war be transferred to the enemy's country.

The undersigned has the honor to present to Mr Rhodes the assurance of his distinguished regard, and to be,

His most obedient Servant

EBNR ALLEN

LEE TO BUCHANAN.^a

BUCHANAN TO LEE.^b

LEE TO JONES.^c

KAUFMAN TO JONES.^d

LEE TO JONES.^d

LEE TO BUCHANAN.^e

^a September 1, 1845. See Lee to Allen, September 8, 1845.

^b September 6, 1845. See Lee to Allen, September 8, 1845.

^c September 6, 1845. See Calendar of Correspondence with the United States in Part I.

^d September 8, 1845. See Calendar of Correspondence with the United States in Part I.

^e September 8, 1845. See Lee to Allen, September 8, 1845.

LEE TO ALLEN.^a

[Despatch No. 148.]

WASHINGTON [CITY] 8 September 1845.

DEAR SIR

I have the honor to acknowledge the receipt, on Sunday Evening 31st. ultimo, of your communication of 2nd idem, informing me, of the illness of the Hon. David S. Kaufman, and the probable delay of his arrival here in consequence; and covering a commission, authorizing me to perform the functions of Acting Chargé d' Affaires until his arrival, and to open the letter of Instructions addressed to him for my further guidance.

In obedience to these instructions, I addressed a note to the Secretary of State of the United States, on the 1st Inst. informing him of my appointment, and requesting him to appoint a time, at which I might call on him and present my letter of credit [*sic*].

I received no official reply to my note until today, when I received the communication from the Secretary of State of 6th. Inst. copy of which you will find herewith, and to which please be referred, informing me that the President of the United States, for reasons therein assigned, deemed it improper to receive a Chargé d'Affaires from Texas, but desired that I should remain here as Agent of Texas. Copy of my reply, I transmit herewith.

Having neither Instructions nor precedent for my guidance, I can only refer the matter, through you, to his Excellency the President of Texas, and await here his further instructions. In the meantime, however, as this decision of the President, proceeds from no unkind feeling, but from the intimacy of the relations of the two Governments, forbidding, in his opinion, that Texas should any longer be treated as a Stranger, altho', I cannot communicate officially with the Government of the United States, I shall continue, individually, to cultivate the kind feelings at present existing on the part of this Government towards the Government of Texas, and unofficially, to bring to the notice of the President, all matters, which it would have been my province to do, if I had been received officially. This, the President of the U. S. has desired to do, and has promised to give my communications all the consideration they would have had if official.

The President of the United States, requests me to tender to the President of Texas, the assurances of his sincere regard and his regret that he has not been able to comply with his wishes in regard to my reception. The President has expressed to me his full assurance of the cheerful and zealous co-operation of the President of Texas in car-

rying out and perfecting the measure of annexation, and informed me that the communications of the Hon. A. J. Donelson, from Texas, on that head have been highly satisfactory.

Waiting the honor of your further communications

I Remain Dear Sir

Yours very truly

W. D. LEE

[First of the inclosed copies is Lee to Buchanan, September 1, 1845, asking an interview in order to present his letter of credence.]

Then comes the following:

(Copy.)

WASHINGTON [CITY] *6th. September 1845.*

DEAR SIR

I have had the honor to receive your note of the first instant, informing me that the President of Texas had appointed you Acting Chargé d'Affaires of that Government near the Government of the United States, and requesting me to appoint a time when you may call for the purpose of presenting your credentials.

Your note has been submitted to the President who, after a careful examination of the subject, has directed me to inform you, that, in his opinion, the State of Texas has now become so intimately identified with the other States of the Union, that it would not be proper to receive a Chargé d'Affaires from its Government and thus treat it as a foreign nation.

The moment that the Convention of Texas had ratified the terms of annexation proposed by the Congress of the United States the substantial engagements of both parties were complete and nothing then remained to be done but her more formal admission into the Union in compliance with these engagements. The President has, accordingly, directed the troops of the United States to march into her territory and has determined to defend it against the forces of Mexico. Under these circumstances, Texas has already, in his judgment, become in fact, if not in form, one of our States, at least so far as to render it obligatory on him to protect her against foreign invasion. It would, therefore, it appears to him, be incompatible with these relations to receive a public minister from her government as though she were still a stranger.

It is certain, however, that the Government of Texas yet retains all the powers that it formerly possessed except such as would be inconsistent with the engagements of the respective parties to consummate annexation. It is still both the right and duty of that Government to repel a Mexican invasion, and should such an event

occur, it would be extremely convenient, if not absolutely necessary, to have an agent of Texas in the City of Washington. Other circumstances might be adverted to which would render this highly proper. Whilst, therefore, the President cannot receive you in a diplomatic character, he will be much gratified should you determine to remain in this City as an agent of Texas. In that capacity you may render essential service to both Countries.

In arriving at these conclusions, the President requests me to assure you of his sincere regard for the President of Texas and his regret that he has not been able to comply with his wishes in regard to your reception.

With sentiments of Respect I Remain

Yours truly

Signed

JAMES BUCHANAN

To

W. D. LEE Esquire
etc. etc. etc.

(Copy.)

WASHINGTON [CITY] 8 Sept 1845.

DEAR SIR

I have the honor to acknowledge the receipt to day, of your communication of the 6th. Inst. informing me, that, for reasons which you assign, the President of the United States entertains the opinion, that it would not be proper to receive a chargé d'affaires from the Government of Texas and thus treat it as a foreign nation. But that he will be much gratified, should I determine to remain in this city as an agent of Texas.

In reply to your communication, I can only state, that I have no commission, or authority, under which I can hold official intercourse with the Government of the United States on the part of the Govt. of Texas, other than that of acting chargé d'affaires, and that I have transmitted to the President of Texas, a copy of your communication, and shall wait here his further instructions. Meantime I have the honor to Remain, with great respect,

Your obedient Servant,

(Signed)

W. D. LEE

To the

Hon. JAMES BUCHANAN

Secretary of State.

KAUFMAN TO BUCHANAN.^aKAUFMAN TO JONES.^bKAUFMAN TO ALLEN.^c

(No 149)

LEGATION OF TEXAS

Washington City Sept 30, 1845

Hon EBENEZER ALLEN

Secretary of State

DEAR SIR,

I arrived in this city on the 19th inst and found myself in a singular position in regard to my reception on account of the course pursued by the United States Government towards Mr W. D. Lee and promulgated by the Union. Mr Buchanan Secretary of State had addressed Mr Lee a communication (a copy of which has been transmitted to the Department) declining for reasons therein specified to accredit him.

On the same day that I arrived at this city Major A. J. Donelson also arrived. He expressed regret at the stand the Govt had assumed, in regard to this question. On the 22d I called on Major D. who was then unwell at the Presidents Mansion and while there he sent for the President who received me with marked attention and took me into the Executive office and introduced me to Messrs Marcy, Mason and Johnson of the Cabinet. The conversation ranged over every topic connected with Texas with the exception of the relations that my Government bore to the United States. On that subject there was perfect silence. I immediately then determined on the course that I would pursue and the next morning I sent the Department of State the communication a copy of which is herewith enclosed and transmitted. Although in this communication I declined to ask a reconsideration of the question and declared that in regard to that matter I should wait for instructions from home, yet I felt it due to my Government at once in respectful and friendly terms to *vindicate it from an imputation of ignorance of its present Relations to the United States.*

I sincerely trust that my communication will prove satisfactory to His Excellency the President of Texas and the Department. Although it has not yet been answered officially and will not probably be answered until the Department transmits me further instructions, to be communicated to this Government, yet I know it has

^a September 23, 1845. See Kaufman to Allen, September 30, 1845.^b September 30, 1845. See Calendar, Correspondence with United States, *addenda*.^c A. L. S.

been received here in the kindest manner. Mr Lee and myself have dined with the President, and Secretary Walker where we met with members of the Cabinet, all of whom evinced the kindest feelings towards the Government and People of Texas.

Since my communication above referred to I have received the new Constitution for "the State of Texas" which most conclusively sustains every position that I then took. If it had been here before the President and Cabinet took their stand I know a very different course would have been pursued. With my communication unanswered the whole question will remain in *Statu quo* until I can hear from my Government again.

Through your kind permission, on tomorrow I leave here on a short visit to New York City and my Relatives in Pennsylvania. I will be back again however by the time your response to Mr Lees communication arrives. While individually I should have no objection in returning home immediately it is my duty and shall be my pleasure to obey faithfully the instructions of my Government.

Present my kind Regards to his Excellency the President and believe me with sentiments of high consideration

Your very ob't Servant

DAVID S. KAUFMAN

(Copy.)

LEGATION OF TEXAS

Washington [City] 23 Sept 1845.

The undersigned has the honor to inform the Hon. Mr. Buchanan Secry. of State of the U. S. that he has been appointed by his Excellency the President of Texas, Chargé d' Affaires of the Govt. of Texas near the Govt. of the United States and, but for the tenor of Mr. B.'s note of 6th. Inst. addressed to my immediate predecessor Hon. W. D. Lee, the undersigned would ask for the appointment of a time when he might have the honor of presenting his letter of credence

In your communication of the date above alluded to, you state that it is the opinion of the President that "*the State of Texas* has now become so intimately identified with the other States of the Union that it would not be proper to receive a Chargé from its Govt. and thus treat it as a foreign Nation."

After the expression of an opinion thus decided on the part of his Excellency it might be considered indelicate in the undersigned to urge a reconsideration of the question and it would place his Govt. in a position that he would not have it occupy. He will not do so of his own responsibility. On this subject he will await the instructions of his Govt.

The decision thus made in regard to the reception of my immediate predecessor however seems to place the Govt. wh. I have the honor to represent in so singular an attitude before the world, *The attitude*

of ignorance of its present relation with the United States, that I feel it due to it, as well as to myself to vindicate it from that charge. The kind, friendly, and confidential relations which exist between the two governments, to be blended shortly in "a more perfect Union", will I trust authorize me to do so with a frankness and freedom that I might not otherwise indulge in, at the same time assuring the Hon. Mr. B. that whatever may be the course his Govt. may finally pursue in regard to this matter, as far as Texas is concerned it can throw no impediment in the way of the final consummation of the great American Question of annexation. By the provisions of "a joint resolution for annexing Texas to the United States" the 1st. and 2nd. sections of which were selected and presented to the consideration of the Govt. of Texas, certain duties were required to be performed by the "Existing Govt." of Texas by "Deputies in convention assembled" and by "the People" themselves in their original Sovereign Capacity. The *Existing Govt.* of Texas was to give *its consent* to the proposed change, The *Deputies in Convention* were to form a Constitution of a Republican Character and *the people* themselves were to approve said constitution and the constitution together with the evidence of their approval of the same was to be sent to the President of the United S. on or before the 1st. day of Jany. 1846 to be by him laid before your Congress for its final action. All these conditions have to be complied with on the part of the *Govt.* the *Convention* and the *People* of Texas before it can be said with propriety that Texas has "ratified the terms of Annexation proposed by the Congress of the U S."

Now how many of these "powers of the State" have performed the duties required of them preliminary to a *further* action on the part of the U. S. Congress? But *one* of the *Three*. The existing Govt. has given its consent, but, as far as we are informed, the Convention has not yet adopted a State constitution and *certain it is* that the People *in whom and whom alone*, not only by the theory of all popular Govts. but by an express provision of our constitution, is vested the right to abolish our form of Govt. and erect another in its stead, have not yet ratified that constitution. "All political power is inherent in the *People* and they have at all times the inalienable right to alter their Govt. in such manner as they may think proper" Dec. of rights Constitution of Tex

It may be argued that the People have in this instance effected the change through their representatives or Deputies in convention assembled, but this argument is untenable, as the joint resolution above referred to plainly draws a distinction between the "Deputies in Convention" assembled "and the *People* of said Republic of Texas." If the universal practice of submitting amendments of the constitutions of States of the American Union to the People for their

ratification or rejection be right or expedient, how much more so is it when not only the whole constitution of Texas is proposed to be changed but her nationality itself merged in that of another

But the joint resolution on this point is explicit, and it is the "Law of Union" for both Governments.

It is true as remarked by Mr. B. that "the Convention had (has) ratified the terms of annexation proposed by the Congress of the U. S.". Composed as that honorable body is of so much of the talent, integrity and patriotism of the Land they have done and will do every thing in their power to consummate so desirable an object. They have "ordained and declared that they assent to and accept the proposals contained in the 1st. and 2nd. sections" of the joint resolution above referred to. Now so far as the first and 2nd. sections are concerned the ordinance of the Convention was unnecessary and supererogatory—It travelled out of the Record altho' it did much good in quieting the public mind by the extraordinary and gratifying unanimity evinced in favor of this interesting measure. A simple reading of said sections will however satisfy every mind that this was not a duty prescribed by them. The formation of a State constitution is all that they require. This view of the question I have no doubt has been or will be sustained by the Convention itself for I see in the papers that a committee of that body has recommended that the question not only of the adoption of the constitution but also of annexation be referred to the People themselves at the Ballot Box, a recommendation which I have no doubt has already been concurred in. More or less could not have been expected from such a body.

It cannot be said that the People by electing deputies favorable to annexation deprived or meant to deprive themselves of a final decision of this question at the Polls. They had not the power to do so by the said joint resolution, nor had they the inclination. This same People have on the 1st. of this month elected members for the tenth Congress of the Republic of Texas a proceeding which would have been superfluous not to say treasonable if they had not reserved to themselves the right of finally deciding the question of a change of Govt. Altho' the 1st. and 2nd. Sections do not literally provide for the submission of the question of annexation to the People, yet a decision of that question is substantially involved in the vote upon the adoption of the constitution. Let us suppose for instance that the people should not adopt the constitution submitted to them or if adopted that the same should not be transmitted to the President of the United States on or before 1st. of Jan'y 1846. Would the terms of our admission be complied with notwithstanding the said Ordinance of the Convention? Clearly not. Indeed the said joint

resolution provides that these proceedings shall be had by the Govt. the Convention and the People before the 1st. day of January 1846, "in order that the same (Texas) *may be* admitted as one of the States of the Union"

It recognizes no immediate no *territorial* State—The moment Texas looses her separte sovereignty she assumes the rank of a sovereign State of the American Confederacy

Your Government requires of Texas no pupilage, no probation. Her sovereignty is never lost, it will only flow in a different channel.

Texas is as yet an independent Republic. Her Govt. has given her consent to annexation and the Convention are in the process of performing the duties required of them. During these proceedings past present *and to come*, Texas maintains her independent and separate attitude and *will continue to do so* until the final consummation of the measure of annexation. Her President continues to discharge his duties. Her courts are now in session by virtue of authority from the *Republic of Texas* and a Congress was elected at the usual annual elections. Her revenue from imposts as well as direct taxes are still collected as usual, and her gallant army small tho it be continues ready to defend the country from aggression.

It is true that the U. S. has sent a portion of its army into that country but it was by invitation of the representatives of *the owners of the soil, the people of Texas*. The invitation of the Convention was given three days after the ordinance accepting the terms etc showing conclusively that the Convention did not conceive that the acceptance by it of the terms of annexation *ipso facto* brought Texas into the Union. Their presence in no manner impairs the separate sovereignty of Texas, They were there at Nacogdoches in 1836 under Genl. Gaines and yet in that case the sovereignty of Texas was not questioned. In that case as in the present they were there by the consent of the people and for purposes of self defence. The people of the United States have the right to form a compact of union with Texas If they have a right to form a compact of any character with her as an independent power they have the right to form a *constitutional* compact

If England and France had a right to form compacts with her so has the United States and no one has a right to question that power And if they have the right to form this constitutional compact they have a clear right to combine their strength (as is now done) to prevent their rights from being impaired. Indeed when the *Treaty* form of annexation was attempted the Government of the U. S. obligated itself to protect Texas from invasion *pending the negociation*. And now the U. S. are ready to protect Texas from invasion during the proceedings necessary to consummate the measure on her part

in order to enable her to complete the work without molestation. This is the *theory*. The Nine years exemption of Texas from invasion satisfies the undersigned that it will never be called into *practice*.

The undersigned sincerely trusts that the foregoing remarks will be received by the Hon. Secy. of State in the spirit with which they are written and knows that the utmost harmony and friendship will continue to exist between the two govts, until the now "Lone Star" becomes "One of the *many*" that glitter in the American constellation.

The undersigned would in conclusion take occasion to remark that the promptitude energy and patriotism with which his Excellency the President of the U. S. has acted in forwarding the measure of annexation have earned for him the admiration and gratitude of the Government and people of Texas.

The undersigned avails himself of this occasion to assure Mr. B. of his very high consideration and has the honor to remain his

Very Obdt. Servt

(Signed)

DAVID S. KAUFMAN

To the

HON JAMES BUCHANAN.

Secretary of State.

LEE TO ALLEN.^a

Unofficial (No. 4)^b

WASHINGTON [CITY] 8 October 1845.

MY DEAR SIR

Since I last wrote you which was I believe a few days before Col. Kaufman arrived here, I still continue without a word from you, or any thing from your dept to this Legation. Col. K. addressed a communication to Mr. Buchanan soon after his arrival, copy of which he sent to your Department. No reply has been made to it. The argument is unanswerable, but the determination of this Government to adhere to their decision is not to be changed. Their course in relation to Col. K. and myself was dictated by *policy* which they judged good, and which I was ~~con~~vinced from the first would not be changed. I wrote you to that effect and also to President Jones. I presume not many days will elapse before your further instructions will arrive and we shall then know what to do. Col. Kaufman left here a week ago for New York and on his return will visit his friends in Pennsylvania and return here in about a fortnight.

He intends to run for the U. S. Congress and will not be desirous of remaining here much longer.

* * * * *

You will see a communication in the Union of this evening most of which is *pirated* from a document which you will readily recognize.

^a A. L. S.

^b What other letters belong to this series, and how they should be numbered, is uncertain.

^c The matter omitted here relates to Mr. Lee's private affairs.

The fact is the document alluded to was very much admired and its effect where it was intended to produce one was admirable, but as the exhibition was limited to His Excellency and the Hon. J. B.^a I availed [myself] of an oversight in the publication of some New Hampshire resolutions in the Union to insist on the insertion of this communication which draws largely from a source which I was glad to have at command in framing the article. There is great difficulty in getting any thing in to the Union which is intended for the benefit of any *individual* except the President and his *Secretary of the Treasury*

It is generally thought that Mr. Buchanan will go on the Bench and the present Atty. Genl. will take the State Department.

Duff Greene is busy as usual but without influence direct altho' it is said he has some *indirect*. Mr. Walker is unquestionably looking to the succession but I think by travelling too fast may trip. The *immediate* object of all the maneuvers here now is to secure the printing of the Union—and *for this*, the malicious say, many heads are saved for the time being, from the *guillotine*, only to fall at the call of some member of Congress who has a vote for printer, and a friend who wants a place. Blair & Rives are building Jackson Hall 50 feet on Pennsylvania Avenue by 100 feet deep and *immediately in the rear* they have a modest brick edifice 50 feet by 80, in which is a Steam Engine and printing establishment. They refused to sell the name of the *Globe* to Ritchie & Heiss and it is believed by most people that the Resurrection of that paper is intended. Fisk and Dow of the U. S. Journal *Radical* say that but for them this administration would have been a *Conservative* one. They also want the printing.

Some of the Senators and Representatives are beginning to arrive. Neither Col. K. nor myself have ever permitted an opportunity to escape for vindicating President Jones and his Cabinet in his course on the annexation measure. I believe President Polk and his Cabinet are satisfied and take a proper view of the matter. I think the communication which will be in the Union this Evening will have a good effect and if I find the comments here favorable I shall have it inserted in other papers and circulated extensively. Col. K. left town so soon that altho' we talked the matter over I had no opportunity of submitting the article to him before sending it in.

The Texas papers arrive here very irregularly and I am oftener indebted to New Orleans papers than any other source for information about Texas. *Frequent and full* communications even upon matters comparatively unimportant would often be useful here. There is an army of letter writers here for newspapers over the whole country during the Session of Congress and quite a regiment here now, and the communication of small items of information or gossip insures

^a President Polk and Secretary Buchanan.

their good will and disposes them to render small services in return. Should Col. Kaufman return home and the President wish me to remain here until Congress acts upon our State Constitution and bring home the result of that action, I should like very much to do so, provided it is considered proper under all the circumstances to apply a portion of the appropriation to my benefit.

This would I fear be necessary as I have no arrangement *sure* by which I could defray my own expenses till then. This is not a consideration of avarice but of necessity and I would not have mentioned it except for the latter.

I think that the necessity for some agent of the Republic of Texas here is clear, and it is certain that a *Diplomatic Agent* will only be unofficially received and acknowledged *in fact but not in form*. If Kaufmans letter is published as it may probably be by a call from Congress the result will be more injurious to the Cabinet here than their receiving him formally and properly would have been. It shows that the reasons which are set forth in Mr. Buchanans official letter to me are *no reasons at all*, and the other reasons can-not be assigned publicly. Neither Col. Kaufman nor myself have prompted any remarks which have appeared in any of the papers on this subject, but both of us while we have on all proper occasions maintained the position of *Independent Republicans* and of the Republic of Texas, we have at the same time cultivated the good feelings of President Polk and his friends and Cabinet, and have unofficially been treated with marked kindness and courtesy.

To day I received a note from Gov. Marcy requesting me to call at the War Department to consult on a matter relating to Texas. I called and he showed me a letter from Mr. Pierce M. Butler informing him that he was about starting for the Indian Country under a Commission from President Polk to make Treaties etc. with the Comanches etc. on the Frontier of Texas and advised Gov. Marcy to communicate the fact to the Texian Govt.

I told him that the Texian Govt. had Indian Agents through whom they communicated with the Indians *in Texas* and suggested that if the U. S. desired to make treaties with Indians *in Texas* it would be proper to communicate their desire to the Texian Govt. and I was sure the President of Texas would co-operate etc. Here was another way of recognizing our Independence, and it was no go. But the Gov. said he would address a copy of the letter to Mister Kaufman the agent of Texas and he could use his own discretion what to do with it.

So I suppose our Indian relations are taken off the hands of our Govt.—and like the *Shape* of the Revenue provisions and Diplomatic relations made to fit the position assumed by this Govt.

The promised Copy has not yet been sent it, and as this is the last day that letters from here will be in time for the first trip of the New York, I will send this off any how. The Union does not come out until

morning, altho' dated the evening previous to its appearance. I will write again tomorrow and my letter may still reach in time for the New York.

I send some late papers to which please be referred for news and general matters.

Please present my kind regards to the President and Believe Me My Dear Sir

Very truly your friend

W. D. LEE

I dont know whether my lengthy gossip will interest you, but if it annoys you please to punish me with two pages for one in return and I will kiss the rod.

MARCY TO KAUFMAN.^a

ALLEN TO KAUFMAN.

DEPARTMENT OF STATE

Washington [Texas] 15. October, 1845

SIR—

This Department is in receipt of Mr Lee's despatch under date of the 8th ultimo enclosing copies of the Correspondence between himself and the Hon Mr Buchanan on the subject of the reception and recognition by the President of the United States of a Chargé d'Affaires of this Government, and announcing the refusal of his Excellency to receive you in your accredited capacity; together with your own dispatch under date of the 30th ultimo enclosing a copy of your note to Mr Buchanan dated the 23d idem, communicating further intelligence in relation to the subject matter of Mr Lee's despatch.

The President having examined these despatches, I am directed by his Excellency to communicate to you his instructions, that in consequence of the premises, you will at your earliest convenience return to this country.

In as much as a reception as the diplomatic agent of this Government has been denied you, I need not suggest that the usual formalities observed on the occasion of a diplomatic functionary's leaving his residence near the Government to which he is accredited, are to be omitted by you on quitting the City of Washington.

I am with sentiments of high regard—

Your obedient Sevt

EBNR. ALLEN

Secretary of State

HON DAVID S. KAUPHMAN

Charge d Affaires of Texas

etc etc etc

^a October 10, 1845. See Lee to Allen, October 21, 1845.

LEE TO JONES.^aLEE TO ALLEN.^b

(No 150)

LEGATION OF TEXAS
Washington [City] 21 Oct 1845.

DEAR SIR

There has been no dispatch recd. at this Legation since the 30th. Ult. the date of the last dispatch from this Legation to your Department.

I have the honor to transmit herewith Copy of a Communication from the Hon. W. L. Marcy Secy. of War of the U. S. on the subject of a Commission sent to treat with the Comanche Indians to which please be referred.

The informal intercourse between this Legation and the Govt. of the United States continues to be of the most friendly character, nothing having occurred to place our intercourse upon a different footing since the date of Col. Kaufmans last dispatch No. 149. Col. K. is visiting his friends in Pennsylvania but I expect his return here in a few days.

I have the honor to remain

Dear Sir

Respfy

Yr obdt Servt

W. D. LEE

Hon. EBENEZER ALLEN—

Secretary of State

(Copy.)

WAR DEPARTMENT
Washington [City] October 10, 1845.

SIR

The President has directed this Department to designate P. M. Butler and M. G. Lewis to treat with the Comanche Indians and to renew and strengthen the friendly intercourse between them and the United States

It is proper that the objects of this mission should be made known to the Authorities of Texas to the end that the Government there may cooperate with these Commissioners in accomplishing results alike beneficial to all parties. It is conceived that the Agents and traders of Texas that are or may become residents among the Indian tribes not only in that Country but in the vicinity will without doubt under the advice and direction of their Govt. cheerfully lend their

^a October 20, 1845. See Calendar of Correspondence with the United States in Part I.

^b A. L. S.

assistance to United States Commissioners in making arrangements to maintain and perpetuate friendly relations between these tribes and the United States.

Permit me respectfully to invite your attention to this subject and ask from you such communication to the Authorities of Texas in relation thereto as under the circumstances you may deem proper.

I have the honor to be with great respect

Yr Obdt Servt

Signed.

W. L. MARCY
Secretary of War

Hon. DAVID KAUFFMAN
Agent etc. etc. etc.

KAUFFMAN TO JONES.^a

KAUFFMAN TO ALLEN.^b

(No 151)

LEGATION OF TEXAS
Washington [City] 3d. Nov 1845.

DEAR SIR

No communication has been received at this Legation from your Department since my arrival (Sepr. 19th.) and consequently no reply to Mr. Lees communication of the 8th. September and mine of 30th. idem. I am without advice and instructions as to the course the Department would have me pursue. Of one thing however I am persuaded, and that is that the Government here will not under any circumstances change its position in regard to the relations that Texas bears to it.

Consistency, pride of opinion, interest, and perhaps in some degree the triumphant consummation of annexation itself, demand a steady adherence to the course originally taken and promulgated by the official organ.

Under these circumstances, I feel persuaded that the Department would not request me to ask a reconsideration of the question of my reception, to be followed, as it would be, by a second rejection. To remain here as agent etc or in any other capacity than that in which I have been sent, I would not be willing, even admitting that our laws recognized such an officer. Under all the circumstances therefore I have determined to leave for Texas and to day I leave this City via Baltimore and Wheeling for the South

Mr. Lee will however remain and faithfully carry out any instructions he may receive from the Department and I am highly gratified

^a November 3, 1845. See addenda to Calendar of Correspondence with the United States.

^b A. L. S.

that I am enabled to leave the interests of the Legation in the hands of one whose fidelity ability and tact eminently entitle him to your your favorable consideration.

The most kind and friendly unofficial intercourse has been kept up between the President, Secretary of State and members of the Cabinet and myself. Wherever, I could suggest any thing that I considered of benefit to our Country I have not failed to do so and my suggestions have been treated with great attention and respect.

I sincerely trust that the course I have determined to pursue will be entirely acceptable to his Excellency President Jones and to the Department over which you have the honor to preside. Certain it is it has been determined on out of the highest regard and respect for the Government that honored me with its confidence, and did I not feel morally certain that the course I am now pursuing is the one that would be recommended and will be fully approved at home, I should wait here until I heard from your Department.

It would afford me much pleasure to secure the approbation of his Excellency and your Department on my course and if I shall be so fortunate as to do so (which I sincerely trust) I should be much gratified to receive an evidence of that fact from you addressed to me at my residence in Sabine Town

I have the honor to remain

With high regard

Your Very Obdt. Servt.

DAVID S. KAUFMAN

LEE TO BUCHANAN.^a

LEE TO ALLEN.^b

(No 152)

LEGATION OF TEXAS
Washington [City] 8 Nov 1845.

DEAR SIR

I have the honor to acknowledge the receipt on yesterday by the hands of Captn. Munson of your dispatch dated Washington 15th. October last, and in compliance with your Instructions I shall leave this city this afternoon and after a hasty visit to New York shall return immediately to Texas.

Col. Kaufman left here as he advised you in his dispatch No. 151, dated the 3d Inst. on that day.

^a November 6, 1845. See Lee to Allen, November 8, 1845, with which—though no mention of the fact appears—this letter must have been inclosed.

^b A. L. S.

I have the satisfaction to inform you that both the President of the U. S. and the Secretary of State have assured me that the attention of Congress will be called to the claims of Texas for indemnity in the Snively and Red River Custom House Cases and the Secretary of State further promised me that he would request his friend Mr. Allen of Ohio to introduce and read a Bill in his place in Congress at as early a day as practicable after the meeting of Congress to provide for the payment of these claims.

I have been urging this matter upon the attention of this Government. They needed reminding of it for when I first spoke to Mr. Buchanan on the subject, he told me that he had never heard of it as Secretary of State altho' he had some slight recollection of it as a member of Congress.

So soon as he had time to look into the records of his Department relating to the claims, however, he with earnestness assured me that it should be attended to. And altho' as an invariable rule he declined to state in a written communication any thing which will appear in the Presidents message he told me he had prepared a paragraph which will be inserted in the message recommending an immediate appropriation to pay these claims.

I have not had the pleasure to be assured that any of my private letters to yourself or his Excellency the President have been received, nor have I any intimation from your Department whether my desire to secure the approbation of his Excellency has been successful. Should I be so fortunate, as I sincerely hope I may be, an intimation of that fact will be a source of great gratification to me. I have the honor to remain with sentiments of high regard for yourself and his Excellency the President of which please assure him on my part

Very Respectfully

Yr obdt Servt

W. D. LEE

The archives of this Legation are sealed with the seal of the Legation and placed in the care of Lewis R. Hamersley Esq Clerk in the office of the Adjutant Genl. subject to orders from your Department

W. D. L.

LEGATION OF TEXAS

Washington 6 Nov 1845

DEAR SIR

As the time is near at hand when the Congress of the U. S. will assemble, permit me to call your attention to the claims of Texas for indemnity in the cases of the disarming of the forces of Col. Snively of Texas by Captn. Cooke of the U. S. Army and of the outrage upon the Collector and Custom House of the District of

Red River in Texas by citizens of the U. S. both of which occurrences took place in the spring of 1843, and have heretofore been the subject of negotiation and correspondence between the two Govts. I shall very soon return to Texas and it will be a source of much gratification to my Govt. if I am enabled to assure the President of Texas on my return that the attention of the U S Congress will be called early to these matters in order that an appropriation may be made to meet these long standing claims of Texas on the justice of the United States.

I have the honor to remain

With high regard

Dear Sir

Yr obdt Servt

Sgd.

W D LEE

Hon JAMES BUCHANAN

*Secretary of State,
etc etc etc.*

JONES TO POLK.^a

JONES TO POLK.^b

EXECUTIVE DEPARTMENT

Austin, Novr. 12th. 1845.

To His Excellency JAMES K. POLK

Etc. Etc. Etc.

SIR.

By request, I have the honor to transmit to your Excellency a recommendation by the Members of the recent convention, held at Austin, in favor of the officers of the Army and Navy of Texas, whose commissions will be vacated upon Texas becoming a State of the Union and those who have been honorably discharged for want of funds to keep them in Commission.

Confident that your Excellency will readily appreciate the superiority of a recommendation upon principle, like this, by those who are in the performance of an implied duty, to one of a private and personal character, obtained by individuals where signatures are easily obtained; and feeling assured that your Excellency will give the subject that deliberation and decision it merits.

I have the honor to be

With High respect

Your most obedient servant.

ANSON JONES

^a November 10, 1845. See Calendar of Correspondence with the United States in Part I.

^b See Records of Department of State (Texas), Book 47, p. 41.

ALLEN TO JONES.^a

RAYMOND TO JONES.^b

ELDREDGE TO RHODES.

DEPARTMENT OF STATE
Austin Novr. 29th 1845.

SIR.

I have the honor herewith to enclose the letter from the State Department of the United States, authorizing you to communicate with this Government in the absence of Major Donelson, referred by you to this Department; the return of which agreeably to your request, has thus long been delayed from unavoidable circumstances^c

I have the honor to be

With great respect

Your obt. Servant

JOSEPH C. ELDREDGE
Acting Secretary of State

E. A. RHODES ESQUIRE
Actg U. S. Consul
etc etc etc

ELDREDGE TO BUCHANAN.^d

[Eldredge has sent Buchanan, at his request, certain books concerning Texas.]

JONES TO POLK.^e

EXECUTIVE DEPARTMENT
Austin, Feby 16th. 1846.

To His Excellency, JAMES K. POLK
President of the United States.

SIR,

I have the honor to acknowledge the receipt of two letters from you, dated the 13th. of January last, one transmitting to me a copy of the Act of Congress of the United States for establishing a collection district in Texas etc, and the other, copies of certain communications from Genl. Taylor with the report of the Attorney General

^a November 14, 1845. See Calendar of Correspondence with the United States in Part I.

^b See Records of Department of State (Texas), Book 43, p. 5.

^c The letter referred to, Mason to Rhodes, August 7, 1845, had been sent to Allen by Rhodes, August 21.

^d January 24, 1846.

^e See Records of Department of State (Texas), Book 47, p. 43.

of the United States upon the matters embraced in them, together with a request from your Excellency that measures might be taken by this government to relieve the Settlers from the payment of certain duties and that the said duties might be fully remitted to them.

As the change in the officers of the Government contemplated in the New Constitution of Texas, is about taking place, no opportunity is afforded me to do more than refer the subject to His Excellency the Governor of the State, who is now about to assume the duties of his office.

I have the honor to be

With the highest respect

Your Excellency's

Most obedient Servant

ANSON JONES

WALKER TO RUNNELS.^a

TREASURY DEPARTMENT

March 25th. 1846

SIR,

By the Joint Resolution of the Senate and House of Representatives of the United States "For annexing Texas to the United States", approved the 1st March 1845, among the conditions on which the consent of Congress is given to the annexation, it is provided in the 2d section of said Resolutions that "said State, when admitted into the Union, after ceding to the United States, all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence, belonging to said Republic of Texas, shall retain all the public funds etc etc": And by the constitution of the State of Texas, adopted in convention, on the 27th August 1845, it is provided, in the 8th Section of Article 13, that "The Legislature shall also adopt such measures as may be required to cede to the United States, at the proper time, all public edifices, fortifications, barracks, ports, harbors navy and navy yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence, now belonging to the Republic of Texas."

Under these provisions, you are authorised and directed, as Agent of the Government of the United States, to receive into your custody from the person authorised on the part of the State of Texas, to deliver the same, all the public property above enumerated. If no such agent on the part of the State of Texas has yet been appointed, you will immediately proceed to the Seat of Government of the State, and make application to the Legislature, on behalf of this Govern-

^a L. S.

ment, for the immediate transfer and delivery of the property mentioned above. On receiving the property you will forthwith furnish to this Department, a duplicate list of the same.

On the application of the agents constituted by the Department of War and of the Navy of the United States, you are authorised and directed to deliver into their custody, respectively, the property pertaining to the Departments they severally represent—retaining in your charge any articles, or portions of property not demanded by such agents.

Your reasonable expenses incurred in the performance of these services, will be paid by this Department.

I am Sir

Very respectfully

Your obed. Servt

R. J. WALKER

Secretary of the Treasury

HIRAM G. RUNNELS ESQ

Collector of the Customs

District of Texas Galveston Texas

CORRESPONDENCE WITH MEXICO.

FILISOLA TO SANTA ANNA.^a

SECRET TREATY BETWEEN SANTA ANNA AND THE TEXAN GOVERNMENT.^b

SANTA ANNA TO FILISOLA.^c

PUBLIC TREATY BETWEEN SANTA ANNA AND THE TEXAN GOVERNMENT.^b

BURNET TO SANTA ANNA.

VELASCO. 17 May 1836

EXCELLENT SIR.

I have the honor to receive Your Excellency's communication of this day apprising me of the return of General Woll, and of the circumstances that conduced to it.^d

The government of Texas actuated by the principles of an enlightened humanity, and by a sincere desire to observe all the approved usages of the most civilized nations, cannot but regret that an event so painful as the one mentioned in Your Excellency's communication should have occurred. The conduct that has been manifested towards the prisoners whom the casualties of war have thrown into their power, affords indubitable testimony that no intention could exist on their part, to infringe, in the slightest degree, the equitable "rights of nations," in the person of General Woll.

I trust Your Excellency will readily perceive from the tenor of the letter of General Rusk to Genl Woll of 12 Inst., a copy of which accompanies Your Excellency's communication, that the reason of

^a April 28, 1836. See Calendar.

^b May 14, 1836. See Webb to Bee, March 7, 1839.

^c May 14, 1836 (translation). See Calendar. The copy found in the files varies slightly from that published, which is also without date.

^d This letter has not been found.

Genl Woll's recall to Camp was predicated in the apprehension that the excitement produced by the cruelties inflicted on our countrymen who had fallen into the power of Mexicans together with some alleged manifestations of passion on the part of Genl Woll himself, might lead to some act of violence relative to his person, by intemperate and irrational persons, who are to be found in all armies and especially in those composed in part of volunteers.

In making these just concessions to Your Excellency, I cannot but remark, that no portion of them is extracted by the intemperate and uncourteous threats found in the letter of Genl Woll to Genl Rusk, which You transmit to me. The terms of that letter convey more evidence of petulance on the part of the writer, than cause of apprehension to this government from his projected appeal to the world. The government of Texas can feel no hesitation in submitting their conduct, during the present contest, to the scrutiny of an enlightened age, and more especially when that conduct will be opposed in conspicuous contrast, to the many aberrations from the rules of civilized warfare, that have characterized the deportment of their enemies.

This government has never regarded General Woll as a prisoner of war. The detention of which he complains resulted from a deep sense of the Sanctity of his position and a careful anxiety to preserve [it] inviolate.

In conclusion I would say to Your Excellency that so soon as it may be practicable General Woll shall be safely conducted to the Head Quarters of the Mexican Army—but should the General's great impatience decline all prudential consideration, he is at liberty to depart at any moment with such means of protection as are at present at our command.

With high considerations

I am

Your Exce'ls Obt Sert
signed

DAVID G BURNET

To His Exc

DON ANTONIO LOPEZ

DE

SANTA ANNA

President etc

BURNET TO SANTA ANNA.

VELASCO 19th May 1836.

EXCELLENT SIR,

I have the pleasure to acknowledge the receipt of Your communication of this morning relative to the case of the Soldier who was convicted and sentenced to death for an assault on the person of the Aide of General Woll,

The humanity which prompts Your Excellency's mind on this occasion, is duly appreciated by the Government, and the culprit will receive a commutation of his merited punishment.

With great respect

I am

Your obt Servt

DAVID G BURNET

To His Excellency

DON ANTONIO LOPEZ

DE SANTA ANNA.

BURNET TO SANTA ANNA.^a

VELASCO 20 May 1836

To His Excellency

the President DON

ANTONIO LOPEZ DE SANTA

ANNA

SIR

I inclose to Your Excellency a passport for the Genl Adrian Woll; and I have the pleasure to inform You that dispositions are being made for the departure of the escort this evening, with the intention that they Shall march from the opposite Side of the river early in the morning. With great consideration, I am

Your Excellency's

Most obt Servt

(Signed)

DAVID G. BURNET

BURNET TO SANTA ANNA.

VELASCO 20th May 1836

EXCELLENT SIR

Your esteemed letter of yesterday I have duly recieved.^b

The Scarcity of horses at this point renders it inconvenient to furnish a larger escort for Genl Woll than a Lieutenant and five men of the company of Capt Fisher These can be prepared to depart this Evening if desiraeable—

Should it comport with the wishes of Gen Woll under his full knowledge of facts to accept of this conduct, Your Excellency will please signify it, and the necessary arrangements will be immediately made

With high Regard

I am

Your Excellencys

most Obt Sevt

signed

DAVID G BURNET

To his Excellency

President DON ANTONIO

LOPEZ DE SANTA ANNA

^a A. L. S.

^b This letter has not been found,

FILISOLA TO SANTA ANNA.^aSANTA ANNA TO BURNET.^b

EXCELLENT SIR,

When the cabinet of Texas has ratified with me a solemn treaty which I have complied with on my part as far as my situation allows, When protests have been made by your Excellency, that you would perish with all your family rather than fail in what has been promised me;—and when General Filisola has replied that on his part the whole treaty shall be religiously fulfilled, having previously obeyed whatever orders I have communicated to him;—then your Excellency, hearing the clamors of certain individuals just arrived from New Orleans, issues a decree to the commander of this vessel, that he should set me on shore in order to continue the close confinement in which I have so long languished—I cannot conceal from your Excellency the surprise which such conduct has produced when the members of the Cabinet inspired me with so much confidence, and as I cannot but believe that my personal enemies have triumphed and are going to enjoy the barbarous pleasure of executing their vengeance. I beseech your Excellency at least, that I may be shot on board this vessel, because there are soldiers here who can execute it, and I cannot leave it alive. I hope your Excellency will be pleased to answer me, and recive my highest consideration. God and Liberty. On board the schooner of war Invincible, in the port of Velasco June 4th 1836.

(Signed)

ANTONIO LOPEZ DE
SANTA ANNA.

To his Excellency the Prest
DAVID G. BURNET

SANTA ANNA TO BURNET.^b

Office of the Private Secretary to the President of the Mexican Republic, General-in-chief of this Army of Operations

MOST EXCELLENT SIR:

His Excellency the General of Division, Don Vicente Filisola, in his communication of the 25th May ulto. says to me that which follows:

[Here follows Filisola to Santa Anna, May 25, 1836.]^c

I transcribe said communication to your Excellency for your information and the Cabinets, in order that you may be acquainted, that the Agreement made between us the 14th May last, has been

^a May 25, 1836 (extract). See Santa Anna to Burnet, June 8, 1836.

^b Translation.

^c See Calendar.

fulfilled on the part of H. Excellency General Don Vincent Filisola, which agreement was sent on to him, through General Don T. J. Rusk.

On this occasion I repeat to you my consideration. God and Liberty. Velasco 8th June 1836

Signed ANTO. LOPEZ DE SANTA ANNA.

To H. E. the President
DAVID G. BURNETT.

SANTA ANNA TO BURNET.^a

Office of the Private Secretary to the President of the Republic of Mexico, General-in-Chief of the Army of Operations.

YOUR EXCELLENCY,

The tumultuous excitement which compelled your Excy. to dictate the unexpected measure of my return to shore from on board the Schooner of War *Invincible*, having disappeared with the absence of those who promoted it, the time I believe is arrived for your Excy. and Cabinet to think of carrying into effect my voyage to Vera Cruz, pursuant to the treaty made on the 14th. May last for the Commissioners who delivered to me your Excellency's note, Baily Hardeman, Secretary of the Treasury, Memucan Hunt, J. Pinckney Henderson, and Benj. F. Smith, assured me that within four days the excitement which compelled your Excy to that measure would subside and that I should return to the same vessel, for which reason I yielded, and desisted from the determination I had communicated to your Excy in my Official of that date.^b

Be pleased to communicate to me your resolution, in order to remove my present state of uncertainty, after the treaty celebrated and which has been already fulfilled on my part.

I repeat the sentiments of my consideration and regard. God and Liberty. Velasco 8th. June 1836.

Signed ANTO. LOPEZ DE SANTA ANNA.

His Excy.

President DAVID G. BURNETT.

SANTA ANNA TO BURNET.^c

BURNET TO SANTA ANNA.^d

^a Translation.

^b Referring apparently to his letter of May 4, in which he expressed his determination not to leave the *Invincible* alive.

^c June 9, 1836. See Calendar.

^d June 10, 1836. See Calendar.

BURNET TO SANTA ANNA.^a

[Acknowledging receipt of Santa Anna's letter of June 8, 1836, transcribing despatch of Filisola, May 25, 1836.]

SANTA ANNA TO JACKSON.^bPROCLAMATION OF BLOCKADE OF MEXICAN PORTS.^cSANTA ANNA TO HOUSTON.^d

A S. E. el Gral. Sam. Houston.

ORAZIMBO, Oct. 24 de 1836.

MUY SEÑOR MIO Y DE MI APRECIO:

Adjunto à V. la contestacion original del Presidente Jackson á mi carta de 4 de Julio, para que se imponga de su contenido.

La advertencia del Gobierno de Mexico, q. esplica el Gen. Jackson, contraida á manifestar, *no sér obligatoria á las autoridades de aquella Nacion ninguna transacion hecha conmigo mientras permanezca prisionero*, refuerza cuanto tengo manifestado con repeticion, de sér precisa è indispensable mi presencia en aquel Gabinete, é insignificante cuanto aqui haga ó escriba, despues de retirar al Ejercito Mexicano al otro lado del rio Bravo del Norte. Es necesario Sñr. mio, convencerse de una vez, q. condilatárel cumplimto. del convenio de 14 de Mayo, no se hace mas, q. perjudicár todos los intereses. La independencia de Tejas estaria a esta fha. reconocida, ó procsima á reconocerse, si el tumulto de Velasco^e no hubiese impedido mi partida, cuando se dispuso por la autoridad competente. El tiempo q. se pierde es precioso, y quizá no volverá á presentarse. Desaparezcan pues injustas desconfianzas tan depresivas para los ofensores, como pa. el ofendido. Las acciones de mi vida publica no se mancharán con ningun acto indigno en la prosperidad, ò en la desgracia.

Las razones ante-dichas me hacen creér innecesaria cualquiera cosa q. se escriba al Ministro Mexicano en los Estados Unidos; y en ahorro de tiempo podria yo pasar á Washington, pues no hay duda q. una entrevista con el Gen. Jackson traeria bien para todos.

Medite V. lo mas conveniente, y cuente con la deferencia de su adicto amigo Sego. Servidor

Q. B. S. M.

ANT. LOPEZ DE SANTA ANNA
[Rúbrica]

^a June 15, 1836.

^b July 4, 1836. See Webb to Bee, March 7, 1839.

^c July 21, 1836. See *Telegraph and Texas Register*, August 16, 1836.

^d L. S.

^e See the two letters of Santa Anna to Burnet written June 8, 1836.

P. D.

He hablado estensamente con el General Austin y Corl. Bee sobre el objeto importante de mi visita á Washington, prefiriendo este seguro conducto, al papel. Por tanto a estos Söes. me refiero en todo lo concerniente al particular.

L. DE STA. ANNA
[Rúbrica.]

HOUSTON'S MEMORANDUM FOR SANTA ANNA.^a

[Suggests that Santa Anna write to the Mexican minister at Washington enjoining obedience to orders, also an official letter to Jackson and a confidential one favoring annexation of Texas to the United States; and defines his own attitude towards the release of Santa Anna.]

PROCLAMATION REVOKING TEXAN BLOCKADE OF MEXICAN PORTS.^b

AUSTIN TO MARTÍNEZ.^c

REPUBLIC OF TEXAS

Department of State

COLUMBIA TEXAS *Novr. 30th. 1836*

His Excellency the President of Texas, animated by those noble and liberal sentiments of humanity and liberality which have characterised the people and Govt. of Texas, in the contest with Mexico; has directed me to open a correspondence through you, for the purpose of arranging for the mutual release of all the prisoners of war in the possession of either party, and to say to you that this object can be effected on the following terms.

1. All the Texian prisoners of war at Matamoros or else where in the possession of the Mexican Govt., shall be delivered at Brazos Santiago to an agent of this Govt. who will be appointed for that purpose.

2. The same number of Mexican prisoners according to rank, shall be set at liberty, in exchange for said Texian prisoners, and delivered to an agent of the Mexican Govt. at Galveston.

3. All the other Mexican prisoners of war in the possession of this Govt. shall be liberated on their parole of honor, not to serve against Texas, nor in the Mexican army at any point or place whatever during the war, unless they are first regularly exchanged.

^a October 25, 1836. See Crane, *Life of Sam Houston*, 122-123.

^b November 1, 1836. See *Telegraph and Texas Register*, November 16, 1836.

^c There are on record also letters from Austin to T. Toby & Bro. and to A. J. Yates, dated respectively November 30 and December 12, requesting their help in bringing about the proposed exchange of prisoners.

4. The said Texian prisoners shall be embarked at Brazos Santiago, by the said agent of this Govt. in a vessell or vessells under the flag of the United States of America chartered for that purpose at the expense of this Govt. and the said Mexican prisoners shall in like manner be embarked at Galveston in vessells of the United States of America chartered for that purpose by the said Mexican agent at the expense of the Mexican Govt.

5. The necessary passports shall be mutually furnished by the Mexican authorities to the Texas agent who takes charge of the Texas prisoners at Matamoros and Brazos Santiago, and by those of this Govt. to the Mexican agent who takes charge of the Mexican prisoners at Galveston, and also a safe conduct for the vessells and prisoners on board of them, to their respective ports of destination, so that they shall not in any manner be detained or molested by the armed vessells, cruisers or forces of either party

In order to save delay, the answer to this communication may be made through Thos. Toby Texas agent in New Orleans, and should the above proposition be acceded to, the said Thos. Toby will be fully authorised by this Govt. to close the terms for its prompt fulfilment in every particular.

I take this occasion to present to you the assurances of my personal consideration and respect.

S. F. AUSTIN
Sec. of State

To DON FRANCISCO PIZARRO }
MARTINEZ }
Mexican Consul New Orleans }

HOCKLEY TO HOUSTON.^a

ON BOARD THE S BOAT TENNESSEAN
near Natchez 13th Decr. 1836

To his Excellency
SAM. HOUSTON
President of the Republic of Texas

SIR

I have the honor to report our progress thus far without accident and all in excellent health. We had a severe and fatiguing ride—by the mouth of Clear Creek—Cedar Bayou—Lynchburg—Old river—Pattitio's^b plantation (at which the General rested part of the day) crossed the Sabine, at Ballew's ferry—at which the guard is stationed thence Opolusus^c and to Negroville or Washington fm. which we took Steam Boat, after but a few hours Detention—and arrived at

^a A. L. S.

^b Probably Patillo's.

^c Opelousas.

Plaquemine of the Mississippi River at noon 11th. In about two hours from our arrival the Tennessean appeared in sight and we were received on board. Thus far we have no reason to complain—the weather having been remarkably fine during our journey and we have been generally fortunate in meeting conveyances. I shall proceed in this Boat to the Mouth of Cumberland river (unless overtaken by a Louisville Boat) and from thence have the chances from the Boat's passing up this river—those from St Louis and from Nashville to Louisville—from whence the packets Boats run regularly up the river. The Ohio is said to be clear of Ice but the weather intensely cold.

We escaped recognition or detention most wonderfully—but two or three instances having occurred—and they unimportant.

Genl. St. Anna, Col Almonte, Col. Bee and Maj. Patton^a present their respects to your Excellency, With whom I have the honor to offer my own, and to be—

With high respect

Your Excellencys

Most obedient Servant

GEO. W. HOCKLEY

HOCKLEY TO HOUSTON.^b

MY DEAR SIR,

Should opportunity of ^c I should be pleased that my thanks (and probably those of the Republic might be added) to Mr. Saml. Whiting—for the accurate description of our persons, and the names of my companions, given to the persons in charge of the Steam Boat—Cayuga at Lynchburg. It had its full effect in causing me great annoyance for the time—which I presume will be satisfactory. But I would advise when next he attempts manouvering with a soldier, even as young as myself that it would be proper to look well to his *rear* as well as his *front*. We are all in fine spirits and health as you will find by our Letters as I believe Col Bee and Maj Patton, both write by this oppy. Very respectfully and

Sincerely Your friend and

ob. Sv.

GEO. W. HOCKLEY

S. B. Tennessean 18 Decr 1836

His Exy

SAM HOUSTON

Presidt. Repl of Texas

^a Hockley, Bee, and Patton were on their way to Washington with Santa Anna and Almonte.

^b A. L. S.

^c Offer.

BEE TO HOUSTON.^a

VICKSBURG 14th [December] 36

*Steam Boat
Tennessean.*

DEAR GEN'L,

We had a fatiguing journey of twelve days from your hospitable friend's House more through water than on Land—in so much, as to induce Gen'l Santa Anna to say—"he believed he would have made better progress in the Independence Commodore Hawkins—than on our ponys" but we were on too important a Mission to let difficulties overcome us. We reached Washington (Negroville) without accident and there took Steam Boat which took us within Nine Miles of Plaquemine to which place we were conveyed in a carriage—and *where* this Boat very soon made her appearance. At Nachez last night Col. Hockley went ashore for a Moment and bro't our friend Mr. Ross on board—who has continued with us to this place. He has promised to forward our letters to you. At Louisville or Wheeling we will drop you a line to relieve you of all anxiety. Gen'l S. A. is in fine spirits and speaks of you often. Your kindness to him you may be assured will not soon be forgotten. You are by this I am in hopes at your favorite "Retreat"^b—the cares of office—the crowd, the confusion, to say nothing of the "fleas" of Columbia will all be obliterated in the quiet and the charm of Home. I am told, it is a delightful place—and nothing will give me more pleasure than to hear from your own pen that you are reinstored to health and are living on the pure milk of the farm. We have no news except the *certainty* of Mr. Van Burens election—he *carried* Pensylvania and *lost* Georgia—the converse had been expected. Tennessee supported your old friend Judge White!^c all unite in remembrance

I am my dear Sir

With great esteem

and under a thousand obligations

very respectfully

Yours

BARNARD E BEE

Maj Gen

SAM HOUSTON,

Texas^a A. L. S.^b Probably "Groce's Retreat" on the Brazos, near where the town of Hempstead now stands.^c Hugh L. White of that State, one of the three Whig candidates for president.

MARTÍNEZ TO AUSTIN.^a

Consulado Mexicano,
 en
 Nueva-Orleans.

El 27 del presente me entregó el Sr Tomás Toby, Agente de Texas en esta plaza, la nota que con fecha 30 del mes proximo anterior se sirvió V. dirigirme, á fin de abrir por mi conducto una negociacion para el cángo-de Prisioneros, bajo las bases que establecen las cinco proposiciones que dicha nota expresa.

Por el Bergantin Americano D. H. Miller, su capitan Driscoll, que el propio dia 27 dió la vela de este puerto, con destino á Tampico, elevé á conocimiento del Sr Presidente interino dela Republica, la comunicacion de V.; á quien quedo en participar, oportunamente, lo que en vista de ella, resuelva Su Ecselencia

Entre tanto, correspondo gustoso á la cortesía de V., presentandole igualmente las seguridades de mi personal consideracion y respeto.

Dios y Libertad, Nueva Orleans Diciembre 29 de 1836.

FRAN. PIZARRO
 MARTINEZ

Al Sr S. F. AUSTIN,
Secretario de Estado,
Texas.

YATES TO AUSTIN.^b

Official to the Department of State No 1.

His Excellency

Gen. STEPHEN F. AUSTIN

Secretary of State

SIR

In compliance with your instructions of 12th Decr. last, I called on Messrs T Toby and brother and inquired what had been done relative to the proposition from the Govt. of Texas for the exchange of prisoners. Thos. Toby Esq. informed that the letter to the Mexican Consul and their instructions on the subject from your department had just been received. The letter was showed me by Mr T Toby and I showed him your letter of instructions to me, but he seemed of opinion the matter could be managed without any intervention of another person, and desired to have the interview with the Consul alone. He has had that interview, and received a written reply, the tenor of which is favorable, and the original he will no doubt send by the first opportunity

I remain Sir very respectfully

Your obedt servt.

A. J. YATES

NEW ORLEANS *Jany. 4. 1837.*

^a A. L. S.; accompanied by an English translation made by Nathaniel Amory, May 2, 1839.

^b A. L. S.

CORRESPONDENT IN TAMPICO TO TOBY.^a

TAMPICO 7th Jan'y 1837.

T. TOBY Esqr

D SIR

The draft shall send up to St Louis Potosi the first mail day. The news of St Anna's release is far from being pleasing intelligence to Mexico and there is not any convention with the Government of U S. that he may enter into on his part that will be fulfilled. Bustamente his mortal enemy has arrived from Europe and is in Mexico. Here we have about 1200 men in good condition, destined no where now, I should suppose. The Genl in command is St Anna greatest enemy and here he would be received at the cannons mouth. Bravo is still at Monte Rea. where he is now likely to remain. St Anna's release will probably put the whole country in a bloody revolution, and as things stand now there is nothing At present to fear to the parties that somewhat interest you I do not think it likely that I shall be here very long, so that there is no occasion to write. The Mexican Navy seems to be laying up in ordinary at Vera Cruz. Business pretty fair and 700,000 expected in five or six days, from 2 to 300,000 of which will come by the Schr Cora, and Danl H Miller from what I can learn I think in the end everything will turn out better than you expect, however, I will be better able to inform the prospect a little later.

CORRESPONDENT IN TAMPICO TO [TOBY].^a

TAMPICO Jan'y 26 1837

DEAR SIR.

Things are about in the same state as they were when I last wrote you. The country is very quiet, and I hear no talk of any military movement whatsoever Yesterday, the new constitution was proclaimed in all the public places—which was listened to scarcely by any one and by those few with complete apathy. We have here near 2000 men in good condition. They are fully paid up to the 1st Feby. but what they are here for no one knows. As to going against Texas—was such an order to be issued I believe they would resist to a man Tis a service very unpopular, and tis generally considered by the most enlightened Mexicans as a country lost to them for ever—therefore there is little to be feared for the future. The appearance of St Anna whenever he does come will be the signal of a terrible out-breaking, and they will require all the force they can command to fight against each other without sending troops out of the Country.

^a This letter is inserted here as representing information of a kind that the Texan government was gathering in various ways, especially through its agents, like Toby, and by which it was more or less guided in its action. It was, of course, transmitted by Toby, whose house—T. Toby & Bro.—were Texan agents in New Orleans.

St. Anna will have to contend with an ex President Bustamanti^a and not an upstart General. The struggle will be a fierce one. The new Republic will be the gainer and from all I can learn there is not any wish to disturb her tranquility at present. Everything here is very quiet and calm. The conducta arrived with \$800,000—350,000 of which is on board this vessell. The Zacatecas Conducta leaves the 10th next Month the Balance of this Conducta, a Half Million will be shipped on board the British Packet for European account.^b Business in the interior pretty good, here rather dull. As this letter is merely for your own private information I beg the favour of your not publishing it in any of your public Journals. No news of the Draft. not received an answer to my letter this letter or any other requiring no reply

As usual

AGREEMENT BETWEEN BRITISH HOLDERS OF MEXICAN BONDS AND
AGENTS OF THE MEXICAN GOVERNMENT.^c

CANALES TO PRESIDENT LAMAR.^d

REYNOSA *Decr. 17th. 1838*

3rd. Division of the Federal Army

To the PRESIDENT OF THE REPUBLIC OF TEXAS

SIR

On the 3rd. of last month these towns of the North declared for the Federal System. The movement has progressed very rapidly and uninterruptedly, and I doubt not the Republic will follow it in a few days judging from what has already taken place. Our putting the Cavalry of the Garrison of Mier to flight, and obliging the remainder of said Garrison to leave the place, the same with Camargo, and Reynoso, The complete triumph obtained by the liberal party in Tampico, over the Govt. forces 30th Novr. last, The perfidious surrender of the fort of San Juan de Ul[lo]a, and Citadel of Vera Crus all! all! has revived the enthusiasm of the Mexicans and in fine they have resolved (according to certain information I have received from the Interior) to be sacrificed rather than any longer to suffer under a Military despotism. The cause of liberty must infalibly triumph and those towns and yours will again very shortly be united in bonds of former amity. Upon this flattering prospect, I can with confidence congratulate your Excellency, and would ask at your

^a Bustamante.

^b Just how this sentence should be revised to make it clearly understandable is uncertain.

^c September 15, 1837. See Treat to Lamar, February 1, 1840.

^d See Records of Department of State (Texas), Book 49, p. 199-200. Whether the original was in Spanish or English does not appear.

hands the following protection in your Republic, which interests (imperiously demand) that we have abandoned to take up arms.^a As bad men availing themselves (of our praiseworthy dedications) may rob and carry off our property into your country to sell and persuaded that your Government has been guided by principles of justice from its foundation, I take the liberty to request you to apprehend all persons from these parts who take mules and horses into your country for sale unless they have a passport signed by me or some one who I shall have previously declared authorized. Your seizing any property found in possession not mentioned in the passports, and retaining it until the arrival of some person sent after advice from you to take charge in order that I may pay the costs demanded. For this just measure to preserve order, I shall be very grateful and happy to reciprocate in the same manner.

With distinguished consideration,

I have the honor to subscribe

myself yours

LIC ANTONIO CANALLISO ^b

COMMISSION OF BARNARD E. BEE AS AGENT OF TEXAS TO MEXICO.^c

[To negotiate for recognition of the Independence of Texas, and for a treaty of peace, amity, commerce, navigation, and limits between Mexico and Texas.]

COMMISSION OF BERNARD E. BEE AS MINISTER PLENIPOTENTIARY OF TEXAS TO MEXICO.^c

[Bee is empowered to negotiate for the recognition of the Independence of Texas by Mexico, and for a treaty of peace, amity, commerce, navigation and limits between the two countries.]

LAMAR TO PRESIDENT OF MEXICO. [BUSTAMENTE].^c

[Letter of credence for Bernard E. Bee, as Minister Plenipotentiary and envoy extraordinary from Texas to Mexico.]

LAMAR TO PRESIDENT OF MEXICO. [BUSTAMENTE].^c

[Letter of credence for Barnard E. Bee, as agent of Texas to Mexico, for the purpose of restoring friendly relations between the two countries.]

^a Perhaps the meaning is that this protection is of interest to the Mexican Republic, which Canales and the Federalists are fighting to preserve.

^b This is doubtless a copyist's error for Canales; Canallizo was a centralist leader.

^c February 20, 1839.

WEBB TO BEE.

DEPARTMENT OF STATE

Houston 20th Feby 1839.

Hon. BARNARD E. BEE

SIR

The President, anxious to effect a settlement of the existing differences with Mexico, and to restore peace and harmony, has appointed you Minister Plenipotentiary of the Republic of Texas, near the Government of that Country. I have therefore the honor to hand you your Commission and Credentials as such, and to express to you his wish that you will proceed with as little delay as possible, by the most convenient rout to Vera Cruz, or such other point as you may deem best, for making known to that Government the object of your mission.

As this is the first attempt on the part of Texas to establish diplomatic relations with Mexico, it will be necessary to approach the subject with great caution and circumspection. I would suggest the propriety of your stopping in the first instance at Vera Cruz, Tampico, or such other point as you may select, and forwarding thence to the Government, a concise statement of the objects of your Mission, and respectfully ask to be received for the purpose of exhibiting your Authority and making known more fully the wishes of the President. This however, is a mere suggestion, and not intended to control you in the course to be pursued, should circumstances in your judgment offer a better one.

It is hardly to be expected that you will be formally received as Minister Plenipotentiary of this Republic, until a treaty of peace has been made, and the Independence of the Country acknowledged. Indeed, such a reception would be in itself an acknowledgment of our legitimate existence as a nation and a virtual recognition of our Independence; and as that is more than we can look, or even hope for, untill attained by negotiation, you will, in the event of a refusal to receive you as Minister, make your propositions as the agent of this Government; and to enable you to do so, separate credentials for this purpose are furnished you.

Indeed, it may be better, not to make known your higher functions, untill you have sounded your way as agent, and ascertained whether or not, they will be disposed to treat with you in either capacity; but in this, as in all other matters preliminary to entering upon your negotiations you will be guided by your own judgment and discretion.

Your powers as agent are plenary, and under them you are fully authorized to negotiate for peace, and to form and sign a treaty securing it, but in making such treaty, you will require the *unconditional* recognition of the Independence of Texas, and will admit

no limits less than those prescribed by the Act of Congress entitled "an act to define the boundaries of the Republic of Texas" approved 19th December 1836, a copy of which is hereby furnished you.^a

These two last points you will regard as a *sine qua non* to any permanent treaty with Mexico; but if you find that it will aid you in the ultimate accomplishment of your objects, to negotiate a treaty of *peace and recognition* in the first instance, leaving the question of boundary to be subsequently settled in a general treaty of Amity, limits, commerce, navigation and intercourse, you are at liberty to form such a treaty; but in doing so, you must be careful that nothing appears in it which could by any possibility be construed into an intention on the part of this Government, to yield any portion of the Territory claimed by the Act of Congress to which I have already refer'd you.

In negotiating a treaty, having for its immediate objects nothing farther than the restoration of peace, and the recognition of our Independence, it will be better if it can be done consistent with the claims of this Government, to define the limits at once, as by doing so, you will avoid much embarrassment and discussion in your future negotiations of a general treaty; you will therefore urge the subject as far as you can, without involving the risk of breaking off your present negotiations, and interrupting your future intercourse with the Government.

Should Mexico express a willingness to establish peace, and recognize the Independence of Texas to the extent of her original boundaries when forming a part of the Mexican Confederacy, but peremptorily refuse to admit our claims to the entire territory embraced within the limits defined by the act of Congress, you may propose a compromise by negotiating for the purchase of all that portion of it which is not within the original boundaries, at a stipulated price; but the sum to be thus stipulated for it, must not exceed five Millions of dollars, and that sum must be made payable in not less than five equal annual instalments; the first instalment to be made payable in one year after the exchange of the ratifications of the treaty.

The five millions will be the ultimatum of your propositions for the purchase, and you will of course commence your negotiations with propositions of a much less sum, and payable at longer periods, but should you succeed in effecting the purchase for a sum not exceeding two Millions of dollars, you may, if you find it necessary, stipulate that the whole of that sum shall be paid in one year after the exchange of ratifications.

It is understood that Genl. Santa Anna is again at the head of the Mexican Nation, and if so this must be a propitious moment for the

^a See Gammel, *Laws of Texas*, I, 1193-1194.

commencement of your negotiations. By a secret agreement made between him and the Cabinet of this Republic, at Velasco, on the 14th May 1836, he promised that he would not take up arms himself, nor cause them to be taken up against the people of Texas during the War of Independence; that he would prepare the Cabinet of Mexico for the favorable reception of a Minister, through whose negotiations all differences might be settled, and the Independence of the Country acknowledged; and that a treaty of Commerce, Amity and limits should be established between the two Countries, the limits of Texas not to extend beyond the *Rio Bravo del Norte*.

This agreement stipulates for all that we ask, and as Genl. Santa Anna has once pledged himself to use his influence to carry it into effect, it is believed that it may be rendered very available by you, in the event of your finding him at the head of the Mexican Government, you are therefore furnished with a Copy of it.^a

It is true, that the stipulation in this agreement, to send General Santa Anna at once to Vera Cruz, was not literally fulfilled on the part of the Texan Government at that time; and this may be urged as a reason for absolving him from the moral obligations which it implies; but the causes of the non fulfilment of that stipulation are well known to you, and to him, and as they involve no want of faith on the part of this Government, but were forced upon it by uncontrollable circumstances, the moral force of the agreement is left wholly unimpaired; and more especially, as it was complied with and enforced, as soon as it could be done consistently with the personal safety of Genl. Santa Anna. He was subsequently set at liberty, and sent out of the country, in virtue of this very agreement, and in the only way which was deemed safe to himself, and conducive to the accomplishment of the objects contemplated by it.

It is not contended by this Government that the agreement made with Genl. Santa Anna, while in this Country and a prisoner of war, is *legally* binding on the Mexican Government; but it is a well established principle of the law of Nations, that the person who makes promises under circumstances similar to those in which the President of the Mexican Republic was placed while here, is afterwards bound to use his influence in causing those promises to be respected by his Government, and that the Government itself is bound to make many sacrifices rather than permit them to be violated. This principle of the law of Nations may be useful to you, in your negotiations, and I therefore refer you in support of it, to Vattel and other writers on international law.

Besides, in asking for the fulfilment of the stipulations of this agreement, we do not believe that we are requiring any sacrifices on the

^a See *Niles' Register*, LXIX, 98.

part of the Mexican Government which will not be more than made up to that country by the advantages which will result from the establishment of peace and a friendly intercourse between the two nations. Apart from all the obligations which it imposes there are weighty reasons for the acknowledgment of the Independence of Texas by Mexico, and for the forming a general treaty of amity, commerce, navigation and intercourse between the two countries, and these reasons may be urged with peculiar force in your negotiations. Among them are 1st. The entire dissimilarity in education, habits, manners, disposition, and pursuits of the Inhabitants of the two countries, and the utter impossibility of their ever assimilating and moving harmoniously together, if they were again united.

2dly. The total incompatibility of ideas entertained by the people of the two Republics as to the peculiar forms of Government best adapted to the wants and rights of Men.

3dly. The conflicts which must inevitably grow out of this incompatibility of sentiment, and the injuries which would result from them if the Anglo Saxon race now inhabiting Texas should be again commingled under the same form of Government with the Spanish race of Mexico.

4thly. The inconvenience and worthlessness of Texas to Mexico on account of its remoteness from her Seat of Government, and the main body of the population; and also, on account of its contiguity to the United States of the North, where in any state of things, most of its intercourse must necessarily tend.

5thly. The difficulties which Mexico would always experience in keeping the Indians bordering on Texas in check at so great a distance from them.

6thly. The advantages which would necessarily result to both Countries from a friendly intercourse and traffick, conducted in the spirit of a reciprocal kindness and harmony, and

7thly. The disposition which Texas has manifested since the battle of San Jacinto to rely upon friendly negotiations for the settlement of her differences with Mexico, rather than a farther resort to war, and the confidence which she has reposed in the promises of Genl. Santa Anna, made shortly after that battle.

Had Texas been disposed to farther hostilities with Mexico, she has had a most inviting opportunity for invading that Country during the domestic conflicts by which it has been harassed on the one side, and the embarrassments produced by the French invasion ^a on the other. This forbearance affords the strongest evidence of her desire for amity—a desire which nothing will destroy but an evident attempt to do her injustice and wrong.

^a See Baneroft, *History of Mexico*, V, 186-205.

These and other arguments which will suggest themselves to you, may possibly be used with much effect in your conferences with the persons who may be selected to negotiate with you.

The President, aware of the great importance it is to the prosperity of this Country, that its differences with Mexico should be adjusted and a permanent peace established as early as possible, and not willing that any opportunity for the accomplishment of so desirable an object should be lost, has also furnished our Minister near the Government of the United States with plenary powers to treat for peace and Independence with the Mexican Minister at Washington, or with such other person as may be appointed to negotiate with him, should that Government be induced, through the mediation of the United States, to open a negotiation at that City.^a But the authority and instructions given to Genl. Dunlap on this subject, are not intended in the slightest degree to impair the powers given to you, or to lessen the efforts which you are expected to make in Mexico; on the Contrary, it is believed that the double Mission will have a tendency to accelerate the attainment of this most desired object, and that he, by invoking the mediatorial aid and influence of the United States, may materially benefit you in your negotiations.

He is therefore instructed to keep you advised of all important matters which may transpire at Washington, in reference to this subject, after he shall have been informed of your official reception at Mexico.

You will also freely communicate with him respecting the affairs of your Mission, so that either may at all times be apprized of the course pursued by the other, and to prevent the subjects of your respective communications becoming known in the event of the miscarriage of your despatches, you are each furnished with a corresponding cypher, in which all letters of business will be written. You will also cause your despatches to this Government to be made out on the same cypher.

Knowing as little as we do of the real disposition of the Mexican Government in regard to this, or of its feelings in respect to the people of this Country, no positive instructions can be given you as to the performance of the various duties which may devolve upon you. The foregoing views are offered more as suggestions to you, than as positive mandates. The cardinal points of your Mission are, the restoration of peace, the acknowledgment of the Independence of Texas, and the recognition of her limits as defined by the Act of Congress before referred to, all beyond this is left to your own judgment. You are well acquainted with the condition of this Country, its prospects, wishes, and expectations, and also of its ability to sustain itself in the event of a future conflict; and the President relying

^a Cf. Webb to Dunlap, March 16, 1839, Part I, pp. 367-378.

much on your ability to conduct matters of so much delicacy and importance, refers its details to the exercise of your sound discretion, being well assured, that the honor, reputation and interests of the nation will be safe in your hands.

Wishing you all prosperity, individually and officially, and that entire success may crown your mission

I have the honor to be

with great respect

Your obt. servt.

JAMES WEBB^a

BEE TO WEBB.^b

Confidential

MY DEAR SIR,

A proposition for Peace is infinitely more likely to succeed emanating under the auspices of the U States than by *direct* appeal to the Mexican Govt. *Delay* upon so important a point may well be endured—if the road is made plain which will lead to success. My advice would be therefore that until Mexico was heard from Gen'l Dunlaps Mission should be suspended—but I only throw this out to you. I have been so chagrined that except for the success of Gen'l Lamar—(of whom I have always thought very highly) I should feel little interest.

I am very sincerely yours

BARNARD E BEE

WEBB TO BEE.

DEPARTMENT OF STATE

Houston March 7th. 1839.

Hon. B. E. BEE

*Agent and Minister Plenipotentiary
to the Government of Mexico,*

SIR,

I herewith enclose the following documents relative to your Mission to Mexico, Letter of Credence as agent to the Government of Mexico dated the 20th Feby Ult. Commission as agent to the Govt of Mexico of 20th Feby 1839. Commission as Minister to the Govt of Mexico of Feby 20th 39 Instructions as Agent and Minister to Mexico of Feby 20th 39 Copy of a translation of a Letter of Antonio Lopez de Santa Anna to President Andrew Jackson dated

^a James Webb, a Virginian, moved to Texas 1838; served as Secretary of State and as Attorney-General under Lamar; in March 1841 was sent by Lamar as Agent and Envoy Extraordinary and Minister Plenipotentiary to Mexico; member of Congress, 1841-1842; and died November 6, 1842.

^b A. L. S.

Columbia July 4th 36.^a Copy of a secret treaty between the Govt of Texas and Santa Anna Velasco May 14th/36 in English and Spanish.^b Copy of a Public agreement between David G Burnett, President of the Republic of Texas and Santa Anna, in Spanish and English dated May 14th 36.^c

Translation of General Santa Anna's Official letter to President Burnet of Oct 12th 36. and his Memorial to Congress, and accompanying documents, Copy of an act approved Decr. 19th 36 to define the boundaries of the Republic of Texas, and also a Cypher.^d

These it is believed are all the documents which will be required on your Mission at present. Should others be deemed necessary hereafter, they will be carefully forwarded to you

With Great Respect
Your obt Sevt

JAMES WEBB.

BEE TO WEBB.^e

APL 1ST 1839

MY DEAR SIR,

I am just leavg for Pensácola in hopes of procuring a conveyance to Vera Cruz—under Gen. Shubricks orders. I will write you from there.

I am anxious that you should procure for Mr Saligny the Dublin Pamphlet loaned you by Mr Tod.

in great haste
truly Yours

B E BEE.

P. S.—If Mr. Potter^f does not come, I shall send for Mr Armory.^g

BEE TO WEBB.^h

MOBILE 6th April 1839.

MY DEAR SIR,

Think of me missing Commodore Shubrick by about 15 hours, he had just left for Tampico and Vera Cruz, the Warren however is daily expected and I have arranged with Capt Dallas to go out in her, as she has orders immediately to follow. The Woodbury too is daily looked for from Vera Cruz, and will return promptly, as she is the mail Boat

^a See Correspondence with the United States in Part I, pp. 106, 107; *Niles' Register*, LI, 336.

^b See *Niles' Register*, LXIX, 98.

^c See *Niles' Register*, L, 336.

^d See Gammel, *Laws of Texas*, I, 1193-1194.

^e A. L. S.

^f Reuben M. Potter, Collector of Customs at Velasco. Cf. statement in Bee to Webb, April 6, 1839.

^g Nathaniel Amory, chief clerk in Department of State 1838-1839; Secretary of Texan Legation at Washington 1839-1842; acting chargé d'affaires at Washington January-March 1842; and Texan Consul at Boston August, 1842.

^h See Records of Department of State (Texas), Book 41, p. 191-192.

between New Orleans and Mexico, so that I have two strings to my bow. Mr Hammeken is in New Orleans, and anxious to accompany me, but still fears he may not be able. You had better therefore let Mr Amory come to New Orleans immediately. Mr Potter who is in the Custom House at Velasco would answer very well, but thinks he cannot be spared.

There is a general belief that our proposition for peace will be listened to, and all unite in according praise to the Administration for the move. I enclose you a letter from General Hamilton^a which Col White will forward, he will undoubtedly get you an advance on the five Million on his reaching New York. The *one* Million loan I always opposed and sincerely wish it had never been contemplated.

Remember me to General Lamar, and believe me,

Sincerely Yours,

BARNARD E. BEE.

Honl

JAMES WEBB.

BEE TO WEBB.^b

SUNDAY EV'G, [April 7, 1839]

MY DEAR SIR,

Genl Hamilton is now writing to our friend the President and will explain every thing in connection with our fiscal affairs. What would have become of us, if he had not come on? I have all along endeavored to impress upon the Cabinet that Hamilton was the only man combining the *inclination* with the *power* of aiding Texas. I have had repeated conversations with Mr Saligny and other well informed persons here, and all agree if Gen'l Lamar will empower Hamilton to have an interview conjointly with Gen'l Henderson at the Courts of England and France, that infinite good to Texas will result. The truth is—that he is now known abroad and *favorably*, and his merely coming forward in behalf of Texas will produce an effect of the most favorable aspect. Genl Hamilton knows nothing of my having written to you on this subject. I do so however from the conviction that good will result from the suggestion of others of its propriety and from the fact that Hamilton himself urged the propriety of it in a long *private* communication last year to Gen'l Houston. He told him then from the great influence he expected to have by his connexions in Europe he was satisfied he could aid Henderson essentially and that it would

^a James Hamilton, a native of South Carolina; Texan agent to Great Britain and France to act with Henderson in securing recognition of Texan Independence, May, 1839; special and confidential agent of Texas to Great Britain, December 1, 1839; commissioner to negotiate with Mexico, December, 1839; joint agent with Burnley to negotiate a loan in France, April, 1840; agent to Belgium, April, 1840; confidential agent to Holland, September, 1840; minister plenipotentiary and envoy extraordinary to Great Britain, 1841; recalled 1842.

^b A. L. S.

insure the Loan. Think of it and consult Gen'l Lamar. He could be considered as the Secret Agent of the Governm't. All unite here in the belief that our Govt are *right* in offering the olive branch, and now that terms are arranged with France Gen'l Hamilton agrees fully into the policy of the measure. If I am only *received* tell the President I will make him a Peace.

I fear Mr Hammeken will not be able to arrange his private business in order to accompany me. I wrote to Mr Potter—from Galveston—immediately to come on to me. He is intelligent, virtuous, and an accomplished Spanish Scholar. If he does not arrive, tell Gen'l Lamar I shall be obliged to take with me a Gentleman recommended here by the Governor and Mayor as every way qualified, and if they receive me as Minister a Secy of Legation from Texas can be sent. My first proceedings will only be as *agent*. You know the Padre Muldoon is still Solicitous and says all that he can do shall be done, but I must have *my own interpreter*.

I give you fair notice I mean to spend money liberally, but *judiciously*. Col. White and Mr Saligny assure me I cannot move a peg without.

With great Sincerity Yours

BARNARD E BEE

BEE TO WEBB.^a

(The following letter is without date.^b)

NEW ORLEANS, *Monday Morn*

MY DEAR SIR,

As yet no tidings of the Warren or Woodbury. Captain Dallas will instantly communicate the arrival of the former and Mr. Breedlove the collector of this Port has assured me the latter shall be at my service the moment she arrives. Say to the President, he must not regret the delay,—it has enabled me to mingle with those having intimate relations with Mexico, and who are all writing to their friends in my behalf; but above all it has secured me the influence of the *Lizardi's*, who are not only powerful in Mexico, but are the *Agents* of the *Bond holders* in *England*. Mr Gordon of the House assures me he had repeated interviews last summer with Lord Palmerston upon the relations of Mexico and Texas, and that he is satisfied the letters he will now give me to Mr Packenham the British Minister to Mexico will insure my reception. He will call upon him in the strongest terms to urge Mexico to listen to Texas, as the best possible mode of the British subjects being secured in their interests. This you know is always a powerful inducement, and the heavy

^a See Records of Department of State (Texas), Book 41, p. 192.

^b It must have been written April 8, 1839, or possibly a week later.

obligations under which Mexico is to England will compel her not slightly to treat Mr Packenham. The Lizardi's, (Mr Forstall and Mr Gordon known to Mr La Branch, who see) think too [that the proposal to negotiate is] the *more* highly creditable to Genl. Lamar, and will tend to place him on high ground in Europe, and insure General Hamilton's success. They say they could hardly have expected so much *fore cast* in so young a Gentleman. My delay too will probably furnish me with letters from Mr Poinsett and the British Minister at Washington. The Padre ^a is here willing to aid in every way. Col. White thinks he will be of much benefit; I doubt his *Governmental* influence, but as a Catholic Priest I have no doubt he will be of service. I bear all his expenses, I suspect he has not a full purse.

Mr. Forstall assures me secret money is *indispensable*. I have just received a letter from General Hamilton on his journey (written with a view of its being seen by Santa Anna or who ever may be in power) that any promises I may make, he will see *fulfilled* in Philadelphia.

Write to me to the care of the Lizardi's, and should I have left, they will forward it to Mexico. A vessel sails in a day or two belonging to them, but they advise my going in a National Vessel,—and putting myself under Commodore Shubrick, (my relation) or Admiral Dueplas, and waiting till I hear from Mr Packenham, whether I will be received.

Say to the President have no fears for me, all that man can do shall be done. I regret Mr Hammekin cannot accompany me. If Mr Amory cannot come, I shall take some competent person I dont care of what Nation

I am my Dear Sir with great regard

Respectfully Yours

(Signed)

BARNARD E. BEE

Honl

JAMES WEBB

Secty of State

BEE TO WEBB.^b

NEW ORLEANS

April 18th 1839

MY DEAR SIR,

A French Merchant ship will be sailing in a few days. I am tempted of course to go in her,—but all unite in my waiting for the Warren or Woodbury.

^a Padre Muldoon, who had done priestly service for the Texan Colonists before the Revolution and was very friendly towards them.

^b See Records of Department of State (Texas), Book 41, p. 196.

It seems indispensable that I should make presents in Mexico. Secret money is indispensable, I arranged with Genl. Hamilton,—but I must have your authority to draw through the Lizardi's.

Yours with great Regard, etc.

Sir, I open my letter to say Mr. Forstall has just read me a communication which goes by this days Express Mail to Washington, to the Mexican Minister there; infinite good will result from it. I have also written by the *same mail* to Mr Poinsett to pretend to know nothing of it; but *accidentally* to give his opinion, both to Mr Martinez and Mr Fox. I have seen General Woll, he thinks it doubtful whether I will be received. I mean to be received and to be *successful*.

Yours etc

BARNARD E. BEE.

Honl

JAMES WEBB

Secretary of State.

BEE TO WEBB.^a

NEW ORLEANS

April 30th 1839

Honl

JAMES WEBB.

SIR,

I received Mr Seabring very courteously as coming from the President. A Secretary however, ought always to have the confidence of the Gentleman with whom he is associated and therefore I wished Mr Amory; since Mr Seabring's arrival, facts have come to my knowledge relative to his affairs in Mexico which compelled me instantly to inform him that it was impossible he should accompany me. The mission is a delicate one, and nothing calculated to mar it in the remotest degree ought to exist. I shall obtain an interpreter through the English or American Legation, which will answer my purpose fully,—and then if Mr Amory can be spared he can follow me. You had better wait a letter from me on my arrival. I have had a letter from Commodore Dallas announcing the arrival of the Warren. I will get particulars tomorrow. I am all ready, tho should have been glad to have taken the Washington letters with me. Mr Forstall will send them to me however. I take with me a letter from his house (Lizardi) to Mr Packenham which will have its weight, warm letters from the Merchants engaged in the Mexican business, and a capital letter from General Gaines to Santa Anna himself. By the bye, the news papers give an account of his instalment as President. Strange Govt! Bustamanta will put down

^a See Records of Department of State (Texas), Book 41, pp. 198-199.

the Federalists He takes it seems the *olive branch* with him: *Compromise* is the order of the day, so that I still am sanguine. I have positive information that the Texas question has been *favorably mooted* in the higher circles of Mexico. A French Gentleman assured me he had received a letter to that effect. Keep this as a cabinet secret.

Your communications had better pass through the Lizardi's as they have constant intercourse

Respectfully Your

Obedient Servant

BARNARD E BEE

BEE TO WEBB.^a

1st. MAY.

I leave to morrow in the Woodbury for Vera Cruz, where I will get on board Comde. Shubricks vessel, and remain until I hear from the Mexican Gov't.

I send you my son—he is very fond of you—and you must keep him in your eye. Advise him as you would your own.

I have not yet seen Mr. Slocum. I presume he may have a letter. Genl Lamars family are all in this House. They will follow in the Columbia.

with great esteem Yours

B E BEE

The Padre accompanies me. He appears very solicitous.

HAMMAKEN TO LAMAR.^b

[Giving unfavorable evidence as to Sebring's record, and stating that Hammaken himself was to follow Bee.^c]

BEE TO WEBB.^d

UNITED STATES SCHOONER WOODBURY

Vera Cruz, May 9th 1839.

MY DEAR SIR,

I arrived yesterday after a propitious voyage, and immediately commenced operations, but I enclose my sons letter and beg you will read it, as my communication to you. It gives you the material points. If I am not received this afternoon I have informed Genl. Victoria I shall avail myself of the hospitality of the French

^a A. L. S.

^b A. L. S., May 1, 1839.

^c As secretary.

^d See Records of Department of State (Texas), Book 41, p. 199.

Commodore (Admiral Baudin having sailed). Since writing to my son it has been intimated through the Bishop (Padre Muldoon ^a who I assure you has evinced the utmost anxiety) and the American Consul, that upon my stating that this vessel was about to sail, and that I should have no domicile, that General Victoria would inform me I could take rooms in the city. I accordingly informed him I had only to claim the hospitality of the French, or be indebted to him until the Secretary of State of Mexico could be heard from, observing at the same time, I left it entirely optional with him which course was to be pursued, but that if allowed to have rooms in Vera Cruz, I should feel bound to comply with such regulations as he might deem prudent. I wait his reply.

General Lamar will deeply lament the fate of Genl. Mexia! ^b it is only however the course he meant to pursue if Santa Anna had ever fallen into his hands. Be kind enough to forward my sons Letter.

I am with infinite regard
Yours Sincerely

BARNARD E BEE

Honl

JAMES WEBB
Secty of State

ON BOARD THE FRENCH FLEET *May 10th '39*

SIR,

Genl Victoria seems so undetermined what course to take that I have availed myself of the hospitality of the Commodore of the French; I am delightfully situated and will probably remain ten days. I wrote yesterday by mail to Secty State of Mexico, and the Bishop left this morning in the Stage.

Sincerely Yours

BARNARD E. BEE

BEE TO WEBB. ^c

FRENCH FRIGATE LA GLOIRE
Vera Cruz May 13th 1839

MY DEAR SIR,

My packet of letters were sealed, the Woodbury's sails up, and I on board the French Commodore's barge; when a Mexican boat hailed, saying they had a letter for Don Barnard. It proved to be a formal authority from Genl. Victoria permitting me to land. I immediately jumped on board the Woodbury and replied courteously for the privilege, but stated I was under an engagement to dine on board the fleet, but would pay my respects the next day. I had no

^a It is not meant here that Padre Muldoon was the bishop.

^b See *Quarterly of the Texas State Historical Association*, VI, 186.

^c See Records of Department of State (Texas), Book 41, p. 200-201.

time to write to you, but was assured by Capt Nicholas the Orleans papers should spread it far and wide. It was the more gratifying as the "El Censor" the day before after abusing the Texians said "if the Fellow attempts to land a prison awaits him"

Sunday I waited on the Governor of Vera Cruz and was received with great frankness. The moment he heard of my arrival he assured me he had communicated with Mexico by express, thought he should very soon know the result, and *hoped all would be well!* Thus my Dear Sir, I have got *foothold*. But this is not all—I found a *Secret Agent*^a of the Government here, waiting an opportunity for New Orleans, for the purpose of conferring *there* with me upon the nature of my instructions in order if they proved satisfactory, the *cue* might be given to the Mexican Congress before my arrival. I informed the Agent that having already communicated with the Secretary of State, and my arrival universally known, I should reserve myself for his ear. Indeed I am very glad he did not meet me in New Orleans, I greatly prefer treating *openly* with these people. But the *fact* is important, it proves they are disposed to listen. They tell me here, with money I can do every thing,—without it nothing. You must under your own hand give me power to draw on Genl. H. With this authority I can manage through the Merchants of N. Orleans. There is a Vessel ready to sail. I shall keep this open to the last, in order that I may inform you, should Genl. Victoria hear from the Government

I am my dear sir, with great regard

Yours etc

BARNARD E. BEE

Judge WEBB

HAMMEKEN TO HAMILTON.^b

HAMMEKEN TO WEBB.^c

(Copy)

NEW ORLEANS *May 19th 1839.*

Genl.

JAMES HAMILTON

Charleston S. C.

DEAR SIR,

I left here on the 1st inst went to Texas and returned immediately. On my return I found a letter from Col. Bee dated on board the

^a This was probably Juan Vitalba, an Italian, the secret agent of Santa Anna for effecting a settlement of the difficulties between Mexico and Texas, who co-operated with Treat in his negotiations in Mexico after failing to open communications with Bee, and who returned to Texas with Treat. See Hamilton to Lamar, June 22, 1839, Bee to Webb, July 5, 1839, Treat to Burnet, October 23, 1839, and Vitalba to Lamar, December 8, 1840.

^b May 19, 1839. See Hammecken to Webb, May 20, 1839.

^c See Records of Department of State (Texas), Book 41, p. 206-207. It should be noted that the latter coming first under this title is an inclosure in that to which the title applies.

Woodbury 3d inst. of which the following is an extract. "We will be at sea in an hour. On your arrival see Mr Conray of the firm of Gasquet. * * *^a

A fine vessel leaves here to day for Vera Cruz, and I am mortified both on my own and on Col Bee's account not to be able to join him. I have been ready several days, anxiously expecting that Gasquet & Co. would hear from you. Mr. Forstall told me that he had, since the departure of Col Bee received news from the highest authority—that *he would be received*, and that he (Mr Forstall) felt confident of the success of the Mission. * * *^a

Requesting the favor of an immediate reply, I remain

Respectfully your most Obt Servant

GEO. L. HAMMEKEN

NEW ORLEANS, *May 20th, 1839.*

Honl. JAMES WEBB

Secretary of State.

DEAR SIR,

The foregoing is a copy of a letter addressed to General Hamilton. I hope that before I can receive a reply to it, the funds mentioned by Col. Bee will have arrived. I will avail myself then of the first opportunity to reach the City of Mexico—as there will probably not be a vessel for Vera Cruz very soon, I will go either to Tampico or Matamorras, if I should think I can gain time by doing so.

Mr. Forstall is the active partner of the House of Lizardi & Co highly influential in Mexico, and his co-operation will have a great tendency to bring about an arrangement between the two countries. He told me that he had paved the way for Col Bee, and that no doubt an arrangement could be effected on the basis of the acknowledgment of our independence. He has allowed me to inform his Excellency Genl. Lamar, that he had just received news from the highest authorities to that effect.

I forwarded by the vessel which sailed yesterday a letter received some few days ago from yourself to Col Bee. Should you have any further commands, I am afraid that the return of the Columbia will still find me here, waiting an answer from Genl. Hamilton.

I am sorry to see June so near, as the rainy season commences in that month, making travelling in Mexico excessively tedious and disagreeable. I want to be off. * * *^a

With sentiments of high regard, I subscribe myself

Your Most obdt. Servt

GEORGE L. HAMMEKEN.

^a The matter here omitted relates to Bee's financial affairs.

BEE TO WEBB.^a

VERA CRUZ, May 24th 1839

Honl

JAMES WEBB

Secretary of State

MY DEAR SIR,

Repeated communications have passed between General Victoria and the Government since my arrival. My letter requesting to be allowed to present myself at Mexico clothed with important communications from Texas, was immediately laid before the Council, and unanimously rejected, "if independence was my object". Private letters were received stating I would be ordered to the Castle etc etc. In the mean time General Victoria continued to treat me with marked attention, and I have just left him after an hours conversation. He says the acknowledgment of our Independence is out of the question; that Zacatecas, Sonora etc would soon be asking the same thing. I replied *we* were a different people, speaking a different language etc, while these states with a *good Government* would seek no change. He then urged, that Texas should at once propose to be *reunited* with Mexico, that she should be received with open arms, the past forgotten. I replied, that his proposition was a flattering one but that Mexico was now a *Central Government*, when Texas was attached to a *Federal*. He said she was a *Representative Republic* that Texas as a Department would have a right to be represented etc etc. I told him, Texas was valueless without Slaves, and that under his constitution, Slavery could not exist. He replied, that can be got over. Congress would assent to Texas holding them etc. In fine nothing could exceed his desire that we should come into the *fold*. He then went on, The French question is settled, the Federalists are put down, reform about to take place, and that with the great resources at command, Mexico would be compelled to wage an efficient War upon Texas, That companies from Europe with arms in their hands were ready to *locate*, only waiting the word, that utter annihilation awaited us, unless we came in. I replied, we were aware of their power, eight Millions of people, that for defence, I had no doubt of their prowess. But to his people in the aggregate, Texas offered not an inducement, that a laurel could never be gained there, that the province was remote—to get his soldiers there he would have to take them in chains,—that the war would cost them more than Texas was worth, and that after all we would retain it,—for the moment our standard floated in the breeze, the young of all nations would flock to it, and

^a See Records of Department of State (Texas), Book 41, pp. 207-209. This letter seems to have been sent along with Bee to Webb, dated simply June, 1839, the only communication from Bee written that month, *q. v.*

that with an exhausted Treasury and a heavy debt, I thought they had better listen to my proposals. We of course did not convince each other and I only give you the conversation to show how strenuously devoted to the reunion the old gentleman is. He even asked if I did not think I could persuade my Government to alter her views. "Remember", said he, "what an old man tells you. Mexico is the finest country in the world; avail yourself of its advantages, at a future day *your son* may be at her head."

But as to Santa Anna, we must give him time,—at this moment he does not *dare* take a move openly in favor of Texas. He is playing a great game. The press is put down. The Militia of the country disarmed. Soldiers are pressed into the Service. Mexia's followers made to fall in the ranks, Captains reduced to privates. Bonapart's conscription adopted. Despotism covers the land, and until he is firmly seated as *Emperor*, nothing will be done. In the mean time he will *hector* about Texas, (and *in secret* will negotiate with her), keep Bustamenta at the head of the Army etc—thus the mission has failed.

Texas must prepare for war, but with little probability of ever being invaded. I would not call a single farmer from his plough; let the soil be cultivated; you want population. Volunteers from all nations will flock to you. Ten thousand Germans, ten thousand French,—give moderate bounties in land, have a good *Commissariat*, and you need not give a *dollar pay* during the time they are in service, and with a moderate navy you have nothing to fear. All this will be the duty of the Government,—but I tell you the question is settled; Texas will be heard. I ought not to have come here; Washington was the place to open the subject. While I write, the *secret Agent* is in my view. I have had nothing to do with him except to gather all I could. The British Minister at Mexico will say to Santa Anna, you are going against the Wind Mills in Texas, pray pay us before you start etc etc

I leave by the first opportunity, my services you know are at the disposal of the President, from a volunteer in the army to a fireside counsellor. I will proceed on my reaching Orleans to Pendleton S. C. and will expect to hear from you there, as there will be ample time to return to Texas.

I have communicated with Mr Packenham and expect to hear from him. I have yet to tell you of the fate of the Padre Muldoon. As soon as he reached Mexico, I am told he was incarcerated, for coming with a Texian. He is said to have been imprudent on his journey, praising the Texians, and saying their Minister must be received, but I rather apprehend his difficulty has arisen from having left the palace against the consent of Bustamenta. He obtained, it seems a passport from Santa Anna.

28TH MAY 1839

I wrote you a hasty letter by a vessel which had just determined to sail for New Orleans; this will have informed you that I am again on board the French Frigate Comt. Lainé. I leave for Havana in the Steamer Phaeton, and hope soon to be in Orleans, as I shall take the first vessel.

I remain with esteem, Yours

BARNARD E. BEE.

BEE TO WEBB.^a

SACRIFICIOS. FRENCH STEAMER PHAETON

28 May 1839.

MY DEAR SIR,

I have just received your letter of the 6th May. I havnt time to write a line, though I have very much to say. We made a merry move in coming so suddenly upon these people, the first plan was the true one It ought to have opened at Washington. I have been most courteously received by General Victoria, but the Government cannot recognize me, so that *Mexico* has denied me. I have received a polite note from the Secretary of State headed *particular and confidential*. I have also recvd. one from Mr Packenham saying nothing can be done at *this moment* I have proposed to open my views at Washington. They will either send Almonte to me there, or refer me to Mr Martinez.

As yet the letters from the British Minister and the Mexican Minister (Martinez) at Washington, have not reached Mexico; they arrived to day. The House of Lizardi write me they are most *satisfactory*. If I had where to lay my head, I would not leave yet, but the Steamer goes in the morning, the fleet follow on Saturday, and there is neither an American or English vessel of war here. But in truth, we must give Santa Anna a *little time*,—not alone Santa Anna but the whole Govmt.

General Victoria told me he would receive us with open arms, if we would only come into the fold again,—be reunited with Mexico!!

I will furnish you with copies of all I have written, but cannot possibly now; I had no knowledge of a vessel for New Orleans. The Captain told me he was bound for New York, but would take me to the Balize for 500\$. If on my arrival at the Havana, I find a vessel ready for Orleans, I will pay you a visit in Texas, if not I will go to Charleston as I have named the 1st July for opening the subject at Washington. Tell Genl. Lamar I will carry it through, but if not we

^a See Records of Department of State (Texas), Book 41, p. 215.

can whip them! Vera Cruz is full of their Soldiers. The Planters of Georgia might as well expect to conquer that state with their *Slaves* as Mexico to reconquer Texas.

With great consideration Your
Obedt Servt

BARNARD E. BEE

Honl

JAMES WEBB

Secty of State

POINSETT TO HAMILTON.^a

PAKENHAM TO BEE^b

HAMILTON TO LAMAR.^c

PHILADELPHIA 22nd. June 1839

MY DEAR SIR,—

I deem it proper to apprise you, of my movements here to second Col. Bee's movements in Mexico, which I consider for obvious reasons suspended not broken off. The truth is that the negotiation could not have been conducted in Mexico, but must from the troubled State of Mexico be transferred to the United States. With several provinces in a state of revolt, Santa Anna could not set the example in his own capital of a recognition of the Independence of one which they are pleased to consider in a State of Rebellion. On my arrival at the North I repaired to Washington and immediately commenced a series of operations to get the Government of the United States warmly enlisted in co-operating in effecting peace between Mexico and Texas. The President gave Mr Ellis special instructions and carried his courtesy so far, as to order the Frigate Constitution detained five days, to take out Mr Pakenham's dispatches from Mr Fox. These dispatches earnestly recommending to Mr. Pakenham the policy of his using his best efforts with Santa Anna, to consent to a recognition of Texas and Treaty of peace, were in consequence of my addressing to Mr. Fox, a letter of which the enclosed is a copy.^d I also have sent you a copy of Mr. Fox's reply.^e Mr. Poinsett, who is the decided and warm friend of Texas, has been industriously occupied in getting Martinez the Mexican Minister at Washington earnestly

^a May 31, 1839. See Hamilton to Lamar, June 22, 1839.

^b June 2, 1839. (extract). See Bee to Webb, July 24, 1839.

^c See Records of Department of State (Texas), Book 41, pp. 400-401.

^d See Hamilton to Fox, May 20, 1839 in correspondence with Great Britain.

^e See Fox to Hamilton May 22, 1839 in correspondence with Great Britain.

engaged in urging peace in his distracted and infatuated country. I send you a copy of Mr. Poinsetts letter to me disclosing what Martinez has done. There is a Gentleman in New York, a cordial friend of Texas, named Treat,^a who has been many years in Mexico is intimately acquainted with Santa Anna and corresponds with a close friend of the Mexican President, from whom he has received several letters lately, translations of which, I have seen, in which this person represents that he is amply empowered by Santa Anna, to conclude the secret articles of a pacification. This person has communicated with Col Bee, in Novr.^b in New Orleans, and I hope to induce Mr. Treat, to go down to New Orleans, early next week, to see what can be done. He may essentially aid Col Bee and the negotiation may be transferred to Washington under the mediation of the United States. You see now how affairs stand. I believe very little money comparatively [will be needed] for the attainment of such an object. Your administration may be illustrated by the recognition of France, England and Mexico, and a negotiation of the five Million Loan, and all this before the meeting of your congress, and next winter through the instrumentality of the Bank of the United States, you may have a better currency than United States now possesses. I have disclosed in Mr. Burnley's and my official letter ^c the importance of changing the bonds and the sinking funds basis, but we cannot negotiate them without we can obtain your concurrence in the sinking fund act. If you approve of the same you will be so kind as to indorse your approval on the transcript, and forward it by my son, directed to me, to the care of Palmer's, McKellop, Dent & Co London. Without the recognition however, of Great Britain, we can have no hope of success, and this can only be obtained by getting that of France first, which for money we can accomplish. We have pressed this point as a matter of diplomatic Service, and your consideration and hope to obtain your Sanction. What New Country can win Empire and Independence without the use of Sinews of War, and the Currency of peace, which money may well be called. Let me however entreat you to dispatch my Son back to New Orleans with all imaginable haste, as Mr. Burnley and myself cannot proceed a step in the negotiation of the loan until we get your sanction of the sinking fund act.

^a Concerning James Treat, little further can be stated here than is learned from this correspondence. He came from New York to Texas in the summer of 1839 bearing letters of recommendation from N. T. Jennings, James Hamilton and Barnard E. Bee to Burnet; and John T. Mason and R. G. Dunlap to Lamar (See Records of Department of State, Texas, Book 41, pp. 297-298). One of these letters states that he is "intimately acquainted with Mexico and Mexican Politics, having passed much of his time there, and enjoyed the confidence of the leading men of the Country." He gave material help to Texas in New York in 1836 (See *Telegraph and Texas Register*, December 16, 1840) and was its confidential agent in Mexico, 1839-1840. He died on his passage from Vera Cruz to Galveston, November 30, 1840.

^b There is certainly an error in this date, which must be due to the copyist's inexpertness and to Hamilton's puzzling chirography. The interviews of Bee with the secret agent of the Mexican government in New Orleans took place in July. See Bee to Webb, July 5, 1839.

^c Hamilton and Burnley to Lamar, June 22, 1839 in correspondence with France.

Hence it is infinitely important that we should receive it by the 15th August in London by the Great Western. Mr. Burnley sails on Tuesday the 25th. in the Sailing Ship Garrick, and I follow in the Steamer Liverpool on the 6th July. I shall probably reach England first. God bless and prosper you, with esteem, Respectfully and truly your friend

J. HAMILTON

His Excellency
M B LAMAR

[Copy. a]

WASHINGTON 31st. May 1839.

MY DEAR SIR

I did not receive your letter until late last night, and therefore could not reply to it by return of Mail as desired. I received from our mutual friend Col Barnard Bee a letter requesting that I should furnish him with letters to my friends in Mexico and take an interest in the success of his Mission, the object of which he explained to me. The real interest I have felt for Texas induced me to decline giving him letters, as they could be of no service to him, and might have excited suspicion among the most suspicious people on earth, both with regard to the views of this Government, and the part I might take individually in the recognition of Texian Independence. In an interview which I had subsequently with Mr. Martinez, I found him very favourably impressed with the views of mutual advantage to Mexico and Texas, likely to result from the proposed arrangement. In consequence chiefly of his own reflections and enlightened views of the subject, he wrote a pressing letter to Señor Gorostiza, which he communicated to me, urging the acceptance of the offers he understood Col Bee was authorized to make.

I have not time to detail to you the arguments adduced in the letter, but they were such as would occur to the friends of both countries and especially of Mexico, and were ably and cogently urged, so much so, that I entertain great hopes, they will have produced beneficial results, and lead to the favorable termination of the Negotiation. I will take up the business you left me here next week, and dispatch it

(Signed)

J R. POINSETT

To

Gen. J. HAMILTON

Philadelphia

HAMILTON TO BEE.^aHAMILTON TO COPLAND [COPELAND].^bHAMILTON TO LAMAR.^c

(Private and Confidential)

NEW YORK *June 28th. 1839*

MY DEAR SIR.—

This will be handed you by the Gentleman to whom I referred in my letter to you by my son—Mr. James Treat of this City—whom I beg leave to introduce to your confidence and acquaintance. Mr. Treat has resided many years in Mexico and is intimately acquainted with most of the leading public men of that country, and withal speaks its language fluently. He is well acquainted with Santa Anna, and is the correspondent of the Italian Gentlemen, the agent of Santa Anna, who had an interview with Mr Bee at Vera Cruz and who is now in New Orleans, and who has invited Mr. Treat to join him there for the purpose of ascertaining what privately can be done to produce a speedy public pacification between Texas and Mexico. As it is due to Col Bee, Mr. Treat distinctly understands he is to act under the instructions of Col Bee, and in subordination to his views. As I think after your Minister has had all the trouble and peril of the Mission he ought to have whatever honor may arise from its successful issue.

The great point to be gained is that Mexico may concur to the mediation of the United States and that the negotiation may be transferred to Washington with as little delay as possible. Mr. Treat or his friend in New Orleans, (Santa Anna's agent) will repair after a proper understanding, with Col Bee on all points (under your instructions) to Vera Cruz if necessary, after all the facts are known between the contracting parties. The vast importance of having the fact officially known in London, that Mexico agrees to the mediation of the United States, and that the negotiation is transferred to Washington, cannot be overestimated in the business confided to my hands. Now as great Secrecy, Vigilance and dispatch are necessary in this highly momentous affair, Col Bee cannot have a more efficient and faithful adjunct than Mr Treat, or a safer counsellor. His character is most highly vouched by gentlemen who have my confidence, and their favorable opinions are entirely confirmed by my own observation. Mr. Treat starts *post*, and will repair to New Orleans, and after seeing his friend, will repair to Texas, to see you

^a June 24, 1839 (extract). See Bee to Webb, July 5, 1839.^b June 29, 1839. See Hamilton to Lamar, June 28, 1838. The inclosure is dated one day later than the letter with which it went.^c See Records of Department of State (Texas), Book 41, p. 407-408.

if necessary. He is specially advised to keep me constantly informed of the progress of the negotiation, by the Steamers and Packets from New Orleans, or Vera Cruz wherever he may be, which will be of no small moment as he is an exceedingly punctual and able correspondent.

* * * * *

Mr. Treat also takes two hundred thousand dollars in Post Notes, made payable to the order of R Copeland, Assistant Cashier of the Merchants Bank, and only to be delivered to such person as you or the Secretary of the Treasury of Texas, may authorize to receive them. They are in 100\$ Notes, and only designed to purchase supplies for our frontier defence, for which they are alone designed, for if they were cashed, you would have to submit to a loss of six or eight per cent.

I have the honor to remain my Dear, Sir, with sincere esteem very respectfully Your. Obedient Servant

J. HAMILTON

His Excellency,

MIRABEAU B LAMAR

President of the Republic of Texas

P. S. I, enclose you a copy of a letter to Mr. Copeland, assistant cashier of the Merchants Bank, relative to Post Notes, as the Merchants Bank is in fact a branch of the B. U. S. and as we are under infinite obligations to the Bank U. S. for their aid, in raising our recent advance. Would it not be worth your while, to direct the Secretary of the Treasury, to open the a/c of the Republic with that institution.

NEW YORK June 29th 1839

DEAR SIR.—

This will be handed you by James Treat Esqr. who is the bearer of a package containing the following bundles of post notes, B. U. S.

No.	810 to No. 1209. inclusive	400 Notes of 100\$	.....	\$40. 000
"	1210	" 1609. do do do do	.....	40. 000
"	1610	" 2009. " " " "	.....	40. 000
"	2010	" 2409 " " " "	.....	40. 000
"	2410	" 2809 " " " "	.....	40. 000

I will thank you after a simple endorsement to hold them subject to the written order of his Excellency Mirabeau B Lamar President of the Republic of Texas, or his Secretary of the Treasury. Should a person however make his appearance at the Merchants Bank with a written order addressed to my son Thomas Lynch Hamilton, from President Lamar, or the Secretary of the Treasury of the Republic of Texas, you can deliver the notes to him, as I had at first designed to

* Here is omitted a paragraph relative to Treat's compensation.

make the Post Notes payable to my sons order, and so advised President Lamar. On reflection however, Mr. ^a and myself thought it best to make them payable to yours, as some accident on the Boat, might either detain or prevent my son from reaching New Orleans. I wish you would be particular and verify ^b the order from the Texian Government, to deliver the notes, examining whether addressed to the President or Cashier of the Merchants Bank, or to Thomas Lynch Hamilton. You will likewise oblige me by saying to the Texian Agent, that it would be contrary to the understanding under which they were received, that they should be cashed at a discount, or hawked about the market in New Orleans, as they are lent exclusively for the purpose of purchasing supplies for the Indian Campaign, ^c and can be used at par for such purchases, as those selling provisions or munitions of War, will gladly receive them as a cash equivalent. It would be well for you to say to the Texian Agent that he had better, for safety keep the notes on deposit in the Merchants Bank, and merely take them out as he may disburse them.

I remain Sir, with great respect. Your Obedient Servant,

J HAMILTON.

To

R. COPLAND ^d Esqr.

Asst. Cashier of the Merchants Bank, New Orleans.

P. S. be so kind as to address your reply, to the care of Mesers Meekshur Coster & Madfold New York, who will forward your letter to England to me, by the Great Western I embark in the Steamer Liverpool on the 6th proximo.

BEE TO WEBB.^e

ON BOARD BARQUE ROGER WILLIAMS

June^f 1839.

Honl JAMES WEBB

Secretary of State.

SIR,

I left Havana on the 12th inst, in the Roger Williams, for New Orleans, having received every conceivable attention from Admiral Baudin who, I find perfectly charmed with you all. By the bye, he says, if not ordered to France, he will go to Texas, take horses and ride over the country. I have assured him, the President would furnish him with every facility.

^a Probably Burnley.

^b The copy in the Record Book reads "and verifying."

^c Against the Cherokees. See *Quarterly of the Texas State Historical Association*, I, 38-46.

^d Doubtless the copyist's error for "Copeland;" the name appears in the latter form twice in the letter of Hamilton to Lamar with which this is inclosed.

^e See Records of Department of State (Texas), Book 41, p. 222-223.

^f As will be seen from the letter itself, it was written during Bee's voyage from Havana to New Orleans beginning June 12.

The letters I received from the Lizardi's, just as I was leaving, would have justified my remaining, if I had had where to lay my head, but the French Fleet were to sail for Campeachy on Saturday, and there was not an English or American Government Vessel there. There were a few American and Spanish Merchant sloops, but I felt it would neither be compatible with the honor of Texas, or my own respectability that I should be shifting from Craft to craft, and therefore, at once proposed to the Secretary of State of Mexico, that he should appoint an agent to meet me at Washington, if they were disposed to open the negotiation. I wait with infinite anxiety to know the result upon my arrival at New Orleans.

My letter to you written in great haste, the night before I left Vera Cruz, gave you my impressions *then* without having informed you of any preliminary steps! These, you will discover in my letter of the 24th May now sent you. On the whole, "doubt not but success will fashion the event in better shape than I can lay it down in likelihood." Indeed, have no fears,—say to Genl. Johnston prepare *moderately*, but to be assured he will never have a Mexican Army to contend with. They have no Navy: they have not a dollar in their Treasury: they have not paid their Officers or men for years: they owe Great Britain 60 Million of dollars: they are paying France 200 000 dollars every two months: how? by borrowing of the Merchants at 40 per cent discount and giving orders on the Custom Houses. The American Minister Judge Ellis is to receive monthly from the custom house so much,—and if not, then *half* the amount. Where then are they to get money to annihilate Texas? Sir the question is settled.

NEW ORLEANS *July 6th 1839.*

On my arrival I found a letter from Col. Almonte saying "I was desired by the President to open my views," the very point they had refused. Had I received this letter on board the Fleet, I would immediately have obtained *re-admission* into Vera Cruz, but it is best as it is. I am satisfied Washington will be a better atmosphere, than Mexico. I am hourly expecting the Vessel from Vera Cruz.

Mr Hammekin will be the bearer of this communication. I send him in order that the President may sanction my proceeding to Washington, and extend my instructions should he deem it advisable, but they are so full and so admirably drawn, that I do not think you will have much more trouble.

I found Texas money at 28 cents on reaching here. I instantly went to the Brokers and told them it was intrinsically worth 75 cents, and that there was every probability of our commissioners succeeding in Europe; to day it is 40 cents, and the moment it is known, that you have an advance, as it must be, through the Bank, it will be higher. If the Banks of this city were worth a farthing (and they are not) I

would have obtained One hundred thousand Dollars, and bought up all our money—for the Government—and even now, I would suggest the Secretary of the Treasury sending Col Love by the return of the Columbia, with authority to do so. Of course it will be enhanced, but many thousand dollars will be gained by the operation. Mr. Bryan^a the Consul, might be authorized: I have found him very solicitous to forward the interests of Texas

I am with great respect

Your Obdt Servant

BARNARD E. BEE.

BEE TO WEBB.^b

[Confidential.]

ORLEANS 5th July 39

MY DEAR SIR,

I am in receipt of two letters by express from Gen'l Hamilton of the 23d and 24th June. The last says, "My Son left Philadelphia yesterday Ev'g at 6 o'clock for New Orleans. He will reach there by the 4th July. Do not let the Steam Boat leave without him, as he has important despatches for your Govt, and ought to return in time for their advices to be forwarded by the Great Western on the 1st. August." He adds,—"*Remain yourself* in Orleans until Mr Treat arrives, as he will convey to *you* very important information from *me*. Mr Treat is the correspondent of Santa Anna's agent *now* in New Orleans and will act in subordination to your views. It may be necessary to send this agent to *Mexico* for despatches authorising you to negotiate under the mediation of the United States. Write me *weekly* that I may use every auspicious *incident* beneficially."

I am very much in hopes the letters I wrote the night preceding my leaving the French Fleet will accomplish *all* that Genl. Hamilton seems to desire, and I have little doubt that the first vessel from Vera Cruz will satisfy us upon this point. The *calms* at this Season detain her I presume. The *Secret Agent* alluded to by Gen'l Hamilton, and of whom I wrote from Vera Cruz is *daily* with me. I play him off under the plea that I am in *direct* correspondence with the Sec'y of State, Mr. Gorostiza, but he assures me until I make myself *felt* nothing *positive* will be effected. Gen'l Hamilton is so satisfied of this, that he says he had reserv'd money for me, but that as I have returned I must draw upon you. I think Five Thousd Dollars will be enough for the present. I will thank you to send me an order for this Am't through Mr Forstall of the House of Lizardi. I

^a William Bryan, Texan consul at New Orleans.

^b A. L. S.

intimated to Mr Packenham that what he undertook we could comply with. *He will understand it.* Say to Gen'l Lamar he shall have *Peace* by Novr.! I saw Mr Knight in the Havana, who made a great many inquiries after you. He says Texas must succeed with such men as Judge Webb. You will very much oblige me by seeing the Secy of the Treasury. on turning to his books he will find that in 1838, The Dep't *accepted* but never p'd a drft for \$1500 with Intrst. frm Decr 1836 in favor of the Washington City Bank. It was for money advanced by the Bank to Col. Hockley and myself on the Santa Anna Expedition. It would be very unpleasant to me to go to Washington with this drft *unpaid*. The letter to the Dept. I presume points out when the money is to be remitted. I am very sure you will attend to this for me.

I am with great regard

Sincerely Yours

BARNARD E BEE

Judge WEBB

BEE TO WEBB.^a

[Private.]

ORLEANS July 6th 1839—12.o'ck

MY DEAR SIR,

I am anxiously looking out for the Mobile Boat with the Mail and our little ambassador from Gen'l H.^b He writes me^c and his Son left Philadelphia on the 23d June at 6. o'ck in the m'g^d so that I have little doubt he will be here to day. The Columbia has consented to wait until one o'ck—and I think will 'til 4. I have offered to pay the pr diem expenses of the Boat if they will keep her until tomorrow, should young Hamilton not arrive to day, but they say it will be impossible, The Passengers being restive. Should the Columbia leave, I will procure a Pilot Boat and send him as quick as possible. I write however—for a different reason. I omitted suggesting that until we hear from Vera Cruz that no act of an offensive character should be taken on our part, but I am sure I need not make the suggestion. Peace is too essential to us and the opening too clear to have it marr'd at this moment.

I am Sincerely

Yours

BARNARD E BEE

^aA. L. S.

^b Hamilton.

^c In his letter of June 24.

^d Morning.

HAMILTON TO LAMAR.^aNEW YORK *July 8th. 1839*

MY DEAR SIR

The day previous to my intending to sail in the Steamer Liverpool, I received an intimation from a respectable Quarter that if I would either see or write to Martinez the Mexican Minister privately before the 1st. Augst. that I would receive a pretty unequivocal assurance that Mexico was prepared to accept the mediation of the United States. I deemed this too important a lever in my negotiation to hesitate one moment, about it, more especially as Saligny, did not until to day receive the permission of his Government to take his report^b in person to France. Hence he could not sail in the Liverpool, but goes with me in the Great Western, on the first of August as I am inclined to stick to him until we obtain the recognition of Louis Philipe. As Mr. Shaw has gone over to lay the preliminary basis for our negotiation, and from his knowledge as an old and experienced Banker, is acquainted with all the capitalists in London and is thoroughly in our interest, I will lose nothing, or your Government, by the delay. Besides the London Stock Market is very much depressed at the present, and until the produce of another harvest, in England, is realized, which will not be until September we cannot expect any improvement. We have such strong friends, and our loan is so well arranged and got up, that I have confident hopes of success by the 1st. October, and especially if we are able to obtain the recognition of Louis Philipe, of which I entertain no doubt, with the application of the proper means. I hope you have received the dispatches by my son, with the checks for 80,000\$ likewise the Post Notes by Mr. Treat, which he was instructed to leave with the cashier of the Merchants Bank, subject to your order.

I will write you again, in the course of a few days. In the mean time be assured of the constant esteem, with which I am, Very Respectfully and faithfully, your friend, and Obt. Servant

J. HAMILTON

His Excellency

MIRABEAU B LAMAR

Prest. of the Republic of Texas

P. S. If Mr. Treat should as a private individual without any official sanction from your people go to Vera Cruz to see Santa Anna I would strongly recommend you to let him go, and ascertain the disposition of the Mexican Government.

^a See Records of Department of State (Texas), Book 41, pp. 404-405.

^b To the French Government on Texas. See note ^a, p. 1230, in correspondence with France.

BEE TO WEBB.^a

MERCHANTS BANK

Orleans 9th July 1839.

MY DEAR SIR,

I have exerted every nerve to expedite Mr Reily. You had not notified this Bank that you expected funds, and on their arrival, they proved to be post Notes payable at *6 months*, which for purchases of supplies etc will prove as good as *cash*, but for procuring Silver, which was indispensable to Mr. Reily was a different thing. But this was not all. The Bank was only authorised to *deliver* to the order of Gen'l Lamar the *two hundred thousand Dollars*, and were he to send an order to Morrow *for that am't* they would be obliged to pay it. Hence, I had to get them to *advance me Twenty Seven Thousand Dollars* in their Bills, and with this went into the Market and *bought Silver*. The Secy of the Treasury therefore in drawing will recollect to do so from the Am't less \$27,000. He will also be good enough to sanction what I have done and to empower the Bank to pay themselves their *discount* on the Am't advanced, but upon this point the President of the Bank has written to Gen'l Lamar. The Sc'y of the Treasury will also be good enough to forward me a drft't to cover the Am't I have paid for Insurance to Nachitoches, for the purchase of Silver, for boxes, and for voyage. Amts to \$250. I will send the receipts. Texas will have to give me a domain at Austin. I am always on the stretch for her. Upon reflection, I determined to keep young Hamilton, as there was little chance of any thing being *gained* by taking a Schooner. He will be with you by the Columbia—having arrived just too late for her last trip. You will be pleased with the form of the bond sent on by his Father. Mr. Treat arrived to day and will visit you. The *Secret Agent* has been with me as I wrote ever since my arrival—unknown *as such* even to Mr Hammeken who knew him in Mexico and saw him daily here. He did not wish to be *known* unless I *acknowledged* him, which I did not wish to do until I heard from Mexico, as I was in *direct* correspondence with the Scy of State Gorostiza. The Water Witch that I have been so anxiously waiting for arrived to day brin'g me but *one* letter from Almonte, and written supposing I was still in Vera Cruz. He says, "you are authorised to open your views to the Gov't in writing, as I communicated to you in my last letter," and adds "I am requested by the Presid't to say Padre Muldoon was not imprisoned because he accompanied you but because he left Mexico for Texas without authority." Now My dear Sir, I assure you the Padre left expressly with Santa Annas authority—as he showed me *his* passport. The truth is he *was* imprisoned for accompanying me, but *merely* for

effect. They are a sharp People. The Secret Agent has rece'd full communications from the person behind the scene. He says—"There will be no difficulty—no matter who is at the head of Gov't—but it can only be approached in *one* way, and it may be tried in any other in vain." Gen'l Hamilton and Mr Poinsett are so aware of this that Mr Treat of New York has been sent to me as the most proper person to visit Mexico and prepare the way. The truth is the officers of Gov't are only waiting for their *fee* to commence operations. I was aware of this at Vera Cruz but I was solicitous of breaking ground without it—fully sensible however, that as I progressed the way would have to be paved with gold. The Presidents best plan is to make up his mind to this at once, and to empower me to use my discretion, tho indeed I think he has long since done so. It was with this view I wrote the other day for authority to draw \$5000 to commence with.^a My impression is that he will have to spend from Five Hundred thous'd to a Million in this way, but still I hope to do it out of the Five Million; in other words to make the Five Million *effect all objects*. I shall offer them *Silver* instead of our bonds. I would accompany Mr Treat but really have nothing to add and am greatly in hopes by going to Pensacola, I shall meet the Constitution, who will bring answers to letters carried out by Judge Ellis. Notwithstanding Tornell's ^b proclamation I pray the President not to incur any very large expense for the Mexican *60 Thousand Warriors* as I assure him he will never be on the field of battle with them again. Santa Anna has only done it as a blind, and to convince them that the "calumny" of his hav'g promised Two Million to Texas for his liberty is unfounded. I have never explained to you why I did not propose an Armistice. I found they were so elated at the departure of the French and the putting down the Federalists, that they would have attributed it to *apprehension* on our part, so that of course, I never named it. On the contrary, I always took high, but *courteous* ground with them. Almonte, as you are aware returned from England, about a fortnight before I arrived at Vera Cruz. I assure you he wrote—"that he was afraid Lord Palmerston would acknowledge Texas." He failed you know in procuring a *dollar*. I have just had an interview with a Mr Wright ^c who says he is a Texian Citizen and has given information to the Secy of War relative to our Indians.

^a See Bee to Webb, July 5.

^b José María Tornel, Mexican Minister of War. For what is doubtless the document referred to see *Telegraph and Texas Register* July 24, 1839, for "A Presentation" by Tornel, June 18, 1839.

^c A. S. Wright, a native of the United States, educated at St. Mary's College near Baltimore, lived many years in Spain, became a trader in Mexico, was employed by the Texan Government in 1838 to give information regarding the frontier Indians, became the secret agent of Bee in Mexico in 1839 and continued to give information to the Texan Government as late as 1841. See *The Red-Lander*, September 29, 1842; *The Telegraph and Texas Register*, June 12, 1839; and Wright to Lamar, March 18, 1841.

He assures me they are all restive, and require close watching. He thinks the U. S. Indians would't require much to induce them to sweep our praries, but apprehends nothing further at present. He is on his way to Mexico and means to be promptly on the Rio Grande with a view of kn'w'g all their movements. He proffer his services to keep us constantly advised, and wishes to know if we will recompense him. I have assured him he will be compensated according to the importance and *accuracy* of his information. I am indeed not sorry to have met this man, if he is worthy. We ought to have at this moment an individual who will keep us informed of all Mexico's steps.

Every thing ought to be done now to bring our currency at par. It would be a great relief to the officers of Gov't as well as to the Community at large, but on this subject I need not say a word.

I commenced this letter in the Merchants Bank three days ago, expecting young Hamilton would have got off that night. I close it now, as a vessel is to leave to night and *may* arrive before the Columbia.

I am sure you will be anxious to hear from me, and at all events will be gratified to learn that Mr. Riely ^a had left and with the Rhine.

I am with great regard
esteem and respect
Yours

BARNARD E BEE

HON JAMES WEBB.

BEE TO WEBB.^b

[Private]

FRIDAY M'G

Mr. Barker has just called to say he will give you *Specie* for your Post Notes, but he will not say at what? For all *purchases* I have before said they are as good as Gold. I am told a special session is spoken of. Advise the President (instead) to pursue this course. Call the New Congress at Austin accord'g to Law, but let him intimate in his Proclamation the entire *probability* that they will have to *adjourn* to Houston. By pursuing this course no unnecessary removals or expense will be incurr'd. The Public Papers will remain where they are The People will not be breaking their Necks to make accommodations which it will be impossible for them to accomplish. The expense and trouble of an extra Session in a *most sickly month Sept.*, will be avoided, and the Members of the New Congress will have had an opportunity of seeing the *Spot* and decid-

^a Reilly.

^b L. L. S.

ing for themselves as to its advantages as a *permanent* Seat of Gov't. I only throw this out to you. I am told the situation is beautiful.

The Seat of Gov't for the first Ten Years ought to be on the *Sea Shore*, but if not I am for the Mountains. There is no intermediate Spot rely upon it that will afford health. As to Houston I am afraid by Octr. 1 third of the Population will be victims. I know you will be all Sick. God avert it.

Yours Sincerely

B. E. BEE

Pray send young Hamilton to the Island ^a as soon as practicable.

BEE TO WEBB.^b

ORLEANS *July 1839*

MY DEAR SIR,

I am happy to inform you the Merchants Bank rendered every facility in settling with Mr La Branche by giving their own notes and *discounting* your Post Notes as before. You may suppose this a trifling circumstance to them, but in the present "tight" state of things it is not so. Forty Thousand Dollars in the course of a few days for Texas not only deprived them of accomodating their Customers, but rendered them liable to be called upon for Silver. The Cashier will write to the President.^c The Citizens Bank—Mr La Branche's—would have taken the Post Notes as Silver if they had three instead of six months to run, but we are fortunate to have had them at all. For all *purchases* as I wrote you they will pass as Cash. My last letter by Mr Sanderson will have shewn you that I had no idea of going on to Washington until I heard from Vera Cruz. This was my proposition to them, you know the night prior to my leav'g and as the same thing has been recommended to them from Washington City, I have little doubt it will be acceded to. The *Secret Agency* is a distinct thing. It is merely to let them understand what we require and to assure them that if they enter warmly upon it we will not be wanting in making them ample compensation. It was for this I wanted the drft't to commence with. I wish to give the Individual here a *doceur*, and I am desirous of sending an officer of their Gov't a handsome carriage from this place. His name I enclose you *exclusively* for the Presidents ear.

I have been provoked at the appearance in the Houston Star of a letter said to have been rec'd from me. I wrote no such letter, but "that Gen'l Hamilton was sanguine of success and that his son was expected with important despatches for the Gov't"—and this I openly s'd—as I found your currency was sinking daily, and no persons decrying it more than Mr Irion and Mr Beile, who were yet secretly

^a Galveston.

^b A. L. S.

^c Of Texas.

buying it up. Mr Irion knowing perfectly well that Gen'l H.^a would succeed.^b Col. Love ought to know that they are our bitterest enemies. I shall remain here until the return of the Columbia, hoping by that time to hear something of the arrival of the Constitution.

I am My dear Sir,
Very Sincerely
Yours

BARNARD E BEE

HON. JAMES WEBB.

WEBB TO BEE.^c

HOUSTON 11th July 1839

Honl.

BARNARD E. BEE

Agent of the Republic of Texas to Mexico in New Orleans.

MY DEAR SIR,

I received late last night your several letters by Mr. Hammekin, and as the last boat for the Columbia will leave this morning, I have only time to give you a very short and hasty reply. I have had a conversation with the President on the subject of your communications, and he directs me to say, that in the present uncertain state of our relations with Mexico, he knows of no additional instructions which can be given you. He can perceive no necessity for your proceeding to Washington, unless it be under an express assurance from the Mexican Government, that an agent will be sent to that place authorized to treat *with you* directly in reference to the acknowledgement of the Independence of this Country, as every thing that can be done towards securing the interposition of the United States Government and the British Minister has already been done by General Dunlap. They are both willing to interpose, and have already done so, as far as propriety in the present State of the negotiation will permit, and further applications to them at present would be unavailing.

Would it not be better for you to remain in New Orleans until you ascertain *distinctly* what course the Mexican Government intends pursuing? And if they are disposed to send a special agent to treat with you, could you not carry on the negotiation with that Agent at New Orleans better than at Washington? By remaining at New Orleans you would not only have an opportunity of availing yourself of the services of the Lizardi's which might be beneficial, but you could at any time communicate with the Government as to new

^a Hamilton.

^b That is, in effecting a loan.

^c See Records of Department of State (Texas), Book 38, p. 120.

points which might arise in the discussion. Besides, it would at the same time be more convenient to the Mexican Agent, as the facilities for communication with his Government would be much greater from New Orleans than from Washington.

As regards the money of which you speak, the President says, until he knows their demands he is wholly unprepared to act; and on that account it would probably be better for your negotiation to be conducted at New Orleans, if they are disposed to negotiate at all.

I am not now the Secretary of State and am only acting temporarily in the absence of Judge Burnet, but it will at all times afford me pleasure to do any thing which may aid you in your mission, or accelerate its accomplishment.

I am with sincere regard most truly and faithfully yours etc.

JAMES WEBB.

BEE TO WEBB.^a

ORLEANS July 24th 39

MY DEAR SIR,

The sight of Mr Packenham's handwriting quite excited me just now. I was in hopes it was in reply to my communication written the night preceding my departure from Vera Cruz and that it would be full of intelligence. It proved however, to be of *old* date June 2d and reached here to *day* via Havanna. It states, that in compliance with my request—"he had taken an interest in Padre Muldoon and had every reason to believe he would be released from confinement in a few days." Mr Packenham—though he does not so write to me,—thinks, we must not despair of reconciliation from Mr Bees first rejection—that we have only to play our cards well to succeed—that strong prejudices are to be over come and that a little patience on our part will effect much. He thinks *hostilities* ought to cease—in other words [there should be] an armistice; this is pretty much the tenor of his letter, and I give it to you exclusively for the President and his Cabinet.

I have before explained to you why I did not propose an *armistice*. In the first place, I did not wish to open my views to Gen'l Victoria, and in the 2d I found they were too *elated* at hav'g got rid of the French Fleet, and at put'g down the Federalists, and I therefore thought they might attribute the proposition to *fear* of the *Great Nation* and still rejoice that I did not do it. I am as sanguine as ever that Peace will be the result, and if the first arrangement had been allowed—viz, my open'g the negotiation through the U. S. Gov't at Washington and giv'g *them* as the Guarantee for all we proposed—infinite anxiety (God knows on my part) would have been

^a A. L. S.

saved, but perhaps the question will be sooner settled by the course that has been taken. The *whole nation* knows that we have tendered Peace, and it will have its influence. We have many friends among them, and there is a strong party that would rise in our favor should War unfortunately take place. There are Mexicans here with Silver who have traversed Texas and come down the Red River. They passed near "Austin" and the day is not distant when that place will take the trade. They say they were not interrupted by Texians or Indians. I have sent to ascertain what their feelings are towards us and whether they would be likely to join our Standard. etc. Say to Gen'l Lamar I hope he is quite recov'd. He ought to mount his Horse and go the Mountains, or reside on the *front* beach at Galveston. The "City" is very little better than Houston, and will have Yellow Fever, unless they have a good police. You can *generate* yellow fever very readily.

I am very Sincerely Yours

BARNARD E BEE

P. S. I fear you will find me troublesome. I have no talent for letter writing, and my handwriting is execrable.

Yours

B E BEE

BEE TO WEBB.^a

ORLEANS 26th July.

MY DEAR SIR,

This will be presented you by Mr Treat of New York—a Gentleman intimately acquainted with Mexico and Mexican Politics—hav'g passed much of his time there and enjoyed the confidence of the leading men of the country. Gen'l Hamilton, evidently under the advice of Mr Poinsett—thinks very much can be accomplished by Mr Treats personal presence in Mexico, in which I entirely concur. Mr. Treat has had frequent interviews with the *Secret Agent* here and is armed at all points. He will explain his views fully to the President. The question will arise as to Mr. Treats *immediate* action. Should he receive *favorable* news by the Constitution his visit may be unnecessary. Should they however be *playing off*—as is more than probable until their Agent reports—then the sooner Mr. Treat is in the City of Mexico the better.

Permit me to request you will introduce Mr Treat to the Presid't. I-recommend him to your particular kindness.

I am very Sincerely

Yours

BARNARD E BEE

DECREE OF MEXICAN CONGRESS CONFIRMING CONTRACT BETWEEN BRITISH HOLDERS OF MEXICAN BONDS AND AGENTS OF MEXICAN GOVERNMENT.^a

BEE TO [LAMAR (?)]^b

[Private]

[JULY (?), 1839.]

MY DEAR SIR,

I am very much in hopes the first news from Mexico will render Mr. Treats visit to that Country wholly unnecessary. Should it prove otherwise however—and they are disposed to play off, until they have assurance that we have money to carry us through—there can be no one more adequate than Mr Treat. The *Secret Agent* here seems a man much to be relied on, and I ascertained at Vera Cruz (of course without my object being known) that he had been liv'g many years in Mexico, with an unblemished character. I learn with great regret that the Zavala has been sold.^c We will repent it if Mexico does not listen to us. The Zavala would have been able to have put their whole Coast in the utmost excitement and have been almost ubiquitous—carrying hundreds of men on board and making incursions any where—but it is done, and we hope for Peace. I am very much gratified that the President has drawn Mr Burnet around him. it silences the Telegraph effectually, and evinces harmony in the Dept's so essential to a Gov't.^d I was delighted with your letter relative to the Live Oak Custom House. They will soon cease their nonsense. I told them before I came away if Gen'l Lamar *did wrong* they might abuse him as much as they pleased, but they had better reserve themselves for the *fact*. The Cherokee talk was excellent. Was that yours or Mr. Burnetts—or both?^e It will make Gen'l Sam outrageous. I learn you have a highly respectable man as Secy of the Treasury.^f it is a most important office requir'g to be strictly *looked into* and most judiciously managed for the future. without the Presidents *interfer'g* with the Departm'ts he ought to know ev'y important transaction, and I am satisfied by pursuing this course he will save tens of Thousands—particularly, in the War and Navy Departments. You will perceive that Santa Anna has retired to Manga de Clavo.^g

Bravo is entirely under his Control. This move is wholly in relation to Texas. Peace or War will be the result. Santa Anna was

^a July 29, 1839. See Treat to Lamar, February 1, 1840.

^b A. L. S.

^c See further reference to the Zavala. See Bee to Burnet, August 13, 1839, and *Telegraph and Texas Register*, September 18, 1832. Bee was mistaken.

^d See *Telegraph and Texas Register*, June 19, 1839, and July 3, 1839.

^e This probably refers to Lamar's letter to Bowls and other Headmen of the Cherokees, May 26, 1839, in Records of Department of State (Texas), Book 39, pp. 67-73.

^f James Starr. See *Telegraph and Texas Register*, May 29, 1839.

^g His private estate.

too much *suspected* to treat for Peace. An arch fiend as he may be, he had too much self respect to wage a War against a People who had given him life and liberty. He retires, therefore, but leaves his influence. I am still sanguine that we shall succeed. I perceive by the M'g Papers that the Constitution has left Vera Cruz. It is by her, you know, I expect letters.

with great regard Sincerely yours.

BARNARD E BEE

HAMILTON TO LAMAR.^a

NEW YORK *August 1st. 1839.*

MY DEAR SIR

I have but a moment to spare before embarking this morning in the Great Western to drop you a line, to say I have left instructions for my son's dispatches to be forwarded by the next Steamer. I hope sincerely that you have assented to the sinking fund project, and the other matters submitted for your consideration, as I deem them vital to my success. I have lost nothing by staying, as I will be over as soon as Saligny, who went about ten days since in a French (Corvette) and such is the state of the money market in England, that before October I will not be able to do anything. After that I hope to obtain another handsome advance on my bonds, or to place them in final investment. I feel confident of success. But for the official dispatch of the Secretary of War, asking the means for invading Texas, I would have obtained through my friends at Washington such demonstrations of a pacific character from Martinez, as would have greatly aided my negotiation.^b Just as I had it on the anvil this unfortunate document came out. I think from what Mr. Poinsett tells me, you must be prepared for an incursion on the part of the Mexicans and Indians. The former will make one more struggle before they give up the country. Let me intreat you, neither to invade or blockade until you hear from me, that I have succeeded in my loan—either measure would be fatal to my efforts. I have authorized Mr. Todd,^c your Navy Agent, to draw on me in London for 10.000\$ to ship by every Vessel from London (which I hope will meet your approbation) After consulting with an English Naval officer of distinguished reputation, and of great experience on the Coast of Mexico, I will give you the details of a maratime expedition against Mexico, which will strike terror in that Government bring them to their senses, and astonish the world, by its boldness and success. I have been concocting this Scheme for

^a See Records of Department of State (Texas), Book 41, p. 409.

^b See note ^b, p. 461.

^c John G. Tod.

the tremendous annoyance of Mexico, with one of the wisest and best heads in this country and will write you from London the moment I have felt the State of the Governments of France and England. I will go over to the former, the moment I have seen my Banker's. Mr. Stevenson my Naval friend, and Lord Palmerston. I say to you if no unfortunate event occurs, the negotiation of France will be immediate, from the arrangements I have made. Mr. Pontois the late Minister of the U. S. is actively at work for us. Let me beg of you to stand entirely on the defensive, until the loan is negotiated, at least get out all your vessels as soon as possible, and keep all quiet if possible at home.

God bless you my dear Sir, and believe in the sincere esteem, with which I have the honor to be, your Obedient Servant,

J. HAMILTON

To

His Excellency

MIRABEAU B. LAMAR.

A FRIEND OF TREAT IN MEXICO TO A FRIEND OF TREAT IN NEW ORLEANS.^a

HENDERSON TO TREAT.^b

LAMAR TO TREAT.

[Private.]

GALVESTON *August 9th 1839.*

SIR

Pursuant to a letter in your Possession, written by Gen. James Hamilton, and addressd to the Cashier of the U. S. Bank of Pennsylvania, you are hereby authorized to draw on the Loan Commissioners of this Republic, Messrs Jas. Hamilton and A. T. Burnley, now in England on their way, for any sum, or sums, of money, not Exceeding *in all, Seven Hundred and fifty Pounds Sterling.* (Say, £750) and you may negotiate the same as indicated, in the letter above referd to, placing, same, to proper account.

I am Sir, Your obt. Servt.

M B LAMAR

To

Mr JAMES TREAT. Esq.,

Present.

^a August 2, 1839. See Treat to Lamar, September 18, 1839.

^b August 5, 1839 (extract). See Treat to Burnet, September 18, 1839.

LAMAR TO HAMILTON AND BURNLEY.^a

[Fixes amount that James Treat is authorized to draw on them as Loan Commissioners.]

BURNET TO TREAT.

DEPARTMENT OF STATE

Houston 9th August 1839.

SIR,

I am instructed by the President, to inform you that in conformity with our late verbal understanding you are hereby constituted and appointed a Private and Confidential Agent for the Government of Texas for the purpose of ascertaining the disposition of the Government of Mexico in regard to a negotiation of a peace between the two Nations and if practicable to prepare the initiatory arrangements for such a negotiation.

To effect this object, it will be necessary for you to repair with all convenient expedition to the city of Mexico. But as great privacy and circumspection are necessary and indispensable in all your preparatory movements, it will perhaps be advisable for you to return as far as Pensacola or even to New York and embark for Vera Cruz from one of those Ports.

It is inevitable to the nature of your mission that great latitude should be given to the exercise of your own discretion in the *modus operandi*, and in some minor matters of the negotiation. The President is happy in the confidence that, that discretion will in all cases, be exercised with great soundness and intelligence, and with an undeviating regard to the interests and the honor of Texas: that you will not sacrifice the one, nor compromit the other. There are other points of cardinal importance, on which you will rigidly adhere to your instructions. Texas is sincerely desirous of peace, but that desire does not result from any apprehension of her want of ability to prosecute a vigorous and successful war. The moment she ascertains that this second overture is rejected, she will feel it due to herself, to try the efficacy of the utmost energies of the sword, in accomplishing that desirable object; and she cannot doubt that it will be eventually effected at a less cost of treasure, than she is now willing to bestow in peaceable negotiation, and that the incidental expenditure of blood, will be richly compensated in her acquisitions of glory.

The principal points in your negotiations will be; The boundary to be assigned to Texas; and the consideration to be paid for that boundary.

^a August 9, 1839. See Records of Department of State (Texas), Book 34, p. 5.

A full, unequivocal, unconditional acknowledgment of the absolute independence of Texas, is a *sine qua non*, beyond and exclusive of which, you will not discuss a single proposition.

The Rio Grande alias the Rio Bravo del Norte is the natural boundary of Texas; it presents an obvious and well defined line of demarcation and is admirably adapted to the prevention of future collision between the two Governments. You will therefore consider it a *sine qua non* in your negotiation, that the boundary line shall commence at the mouth of the Rio Grande midway of the channel, and shall pursue the mid channel of that stream to its source, that is to the fountain head of its principal western branch and to run from that point a due north course to the line of the United States as established in the treaty of limits between the United States and Mexico on the day of " and to pursue that line to the Pacific Ocean. This boundary and nothing short of it Texas is willing to accede to.

Before submitting this ultimatum on the subject of a boundary line, you will feel the authorities of Mexico in relation to a different division of Territory. You may suggest to them a line commencing at the mouth of the Rio Grande mid way of its channel, up that stream to the Paso del Norte and from thence a due west line to the Gulf of California and along the Southern shore of that Gulf to the Pacific Ocean. This boundary will not be strenuously insisted upon but may be intimated as a counterpoise to any extravagant expectations on the part of Mexico and as a premonition to that Government of the ultimate destination of that remote Territory.

Texas is willing to pay to Mexico a sum not exceeding Five Millions of dollars as a compensation for her relinquishment of all her claims public and private to the Territory comprehended within the limits first above recited, but you are desired to employ all your means to reduce that Maximum sum as much as possible. We consider Three Millions of dollars an adequate remuneration under the circumstances, and we proffer the extra two millions as an evidence of our appreciation of the mutual benefits that must result from the restoration of peace, and an intercourse between the two Nations. You will carefully abstain from agreeing to furnish any given amount of Mexican Bonds in the English market until it is clearly ascertained that those bonds can be purchased at or under the value you may put upon them in making up the aggregate of the consideration, as we are not disposed to incur any hazard incident to the stock markets of Great Britain.

Should you therefore find it expedient to swell the *nominal* amount of the consideration, by agreeing to pay a proportion of it in Mexican Bonds, it will not be difficult, as the value of those bonds in the

* The 12th day of January, 1828.

market is well known in Mexico, to stipulate for such a sum founded on the known depreciation of those Bonds, as will assure to Texas no increased expenditure from this branch of the negotiation. In order to your more perfect advisement in this matter it will be proper for you to have early and frequent communications with Genl. Hamilton and Mr. Burnley our Loan Commissioners in London.

If it shall in your estimation become necessary to employ any considerable amount of funds as secret service money to forward your operations, you may exercise your own good discretion, but always bearing in mind that Five Millions of dollars is the utmost extent to which Texas is willing to become liable and that any monies so appropriated, must be abated from that sum, and in no wise constitute a separate charge. Should it however become necessary for you to employ the secret service of particular agents in this affair, you will do so to an extent not exceeding one thousand dollars, for which this Government will be responsible to you. You will recollect in all cases that we rely with great confidence upon your discretion and good judgment.

I submit to you for your further government a copy of the instructions given to the Honl B. E. Bee^a on his late mission to Mexico in prosecution of a similar object to that you have in view.

Col Bee will be informed of your Mission and you are at liberty to communicate to him your progress from time to time, but in all events you will keep this Department regularly and fully informed of your proceedings.

With great consideration,

I am Your obdt Servant

signed

DAVID G. BURNET

Actg Secty of State.

BARKER TO BEE.^b

BEE TO BURNET.^c

ORLEANS August 13th 1839

MY DEAR SIR,

The only objection I find in your instructions to Mr Treat is in *treating* it as a second attempt at negotiation. This is not the light to view it in, it must be considered as part and parcel of the same. I would not make them a *second* offer. You will recollect the *Secret*

^a See Webb to Bee, February 20, 1839.

^b A. L. S.: August 12, 1839. See Bee to Burnet, August 13, 1839.

^c A. L. S.

Agent was on his way to New Orleans when I met him at Vera Cruz. His object was to have prevented my applying *directly* to the Gov't, least it should be rejected. I declined all communication then, as I had already addressed the Secy of State. Moreover I look upon the negotiation as now going on. Mr Packenham writes we have only to have a little patience. I have very little doubt letters are now at Washington on the subject. I shall proceed there the moment I hear from Mr Poinsett. It will never do to let it wear the appearance of a *second* appeal. The Senate might give us trouble. I shall take the liberty of alter'g your instructions—in *so much*.

I shall proceed immediately to Pendleton. Pray let me hear from you. Remember me to the President, and say to him if he and his Secy of the Treasury do not create a *demand* for their money it will be down to 15 cents. I propose that Fifty Thous'd Dollars of the Post Notes should be put in the hands of Mr Jacob Barker—upon his deposit'g *treble the amt in Texas money* in the Merchants Bank, as one means of keeping up the currency. another mode is to make an arrangement with the Steam Boat Columbia to take Your Money at 50 or 70 cents for passage and freight and your redeem'g it ev'y fortnight in good money. By either or both of these modes there would be a *vitality*—so to say—given to your Money which would soon make it sustain itself. Without some effort on the part of the Gov't, it cannot be upheld. Another mode is to put the Zavala in the Trade as a Mail Packet, taking passengers and freight *at par*. You would of course lose Money at first, but it will be more than compensated to you in the enhanced value of the currency thus benefitting the whole Country.

I am no financier, but it is important *something* should be done. I have consulted the owners of the Steam Boat. They are willing to make the arrangement. They would submit their Books ev'y trip to the inspection of the Consul. I have also conversed with Mr Barker, who is will'g to pledge three for one and thus give your money a *chance* in the market. Pray converse with Dr. Starr on the subject. If we could disperse the Mexicans as easily as you have the Cherokees I would be for fighting instead of *negotiating*. I congratulate you on the result.

I am My dear Sir,
 With great regard
 and esteem
 Yours

BARNARD E BEE

I enclose you the suggestions of Mr Barker. I repeat I am no *financier*. you must all judge for yourselves. An effort is however *indispensable*. It would be *weakness* not to make one.

NEW ORLEANS *12th Augt. 1839*

Col. BEE

DEAR SIR

You ask me to point out the best way to prevent a depreciation of Texas paper. I answer let your Government make it as current at home as possible and place here in the Merchants Bank an adequate sum of money to protect it here. I think \$100,000 would be sufficient perhaps \$50,000 would answer and my House Messrs. Horace Bean & Co would undertake its management. Let your Government direct the Bank to receive in exchange for this fund from my House their money at such rate as they might judge best. Three dollars for one to begin with would probably be best, and to exchange back again one for three as often as my house applied not less than \$10,000 at a time thus keeping possession of the whole fund. The Bank would gladly do this for the sake of the deposite and my house would always take the money from travellers and traders when it offered at 33 cts on the dollar and supply those who might want at 34 cts on a dollar making no charge for these services, from this the standard to be gradually advanced as the demand increased always purchasing within one cent on the dollar on their selling price; to prevent the fund being exhausted without effecting the object, the system must be commenced at the lowest market price, perhaps below three for one, when the standard could be advanced as the market price improved; if the management was entrusted to my house they would pledge themselves never to speculate on the funds and to make it effectual the management must be kept a profound secret from all others and the Bank should not know any thing beyond the fact that they were to pay and receive according to the rule layed down by your Government and that rule not to be varied except by an order from your Government.

One other provision would greatly improve the value of the money which would be to pass a law authorizing the issuing of funded stock for the money when brought home to be funded irredeamable for 50 years bearing an interest of 6 per cent per Annum payable half yearly in specie and pledging some particular branch of revenue for the payment of the interest, for instance the auction duty which could be made sufficient.

Very Respectfully

Your Obt Servant

JACOB BARKER

TREAT TO BURNET.^a

[Private and Confidential.]

NEW ORLEANS *Augt 13th 1839.*

SIR,

I have the honor to acknowledge the receipt of your official letter of instructions, bearing date, Houston 9th Inst. informing me of the wishes of the President of the Republic, and apprising me of the confidence reposed by His Excellency in my prudence and judgement, for the Execution of a delicate and important object, to the fulfilment of which, my most earnest efforts, shall be, exclusively devoted.

My hurried departure from Galveston prevented me from addressing you this communication (as would have been very proper) at *that time*.

I have further to own receipt of two letters of credit, signed by His Excellency the President, bearing the same date, amounting, together, to the sum of *Twelve Hundred and fifty Pounds Sterling*, (Say 1250)) which I am authorized to negotiate, as directed by Gen Hamilton, in a communication, which I have shewn to his Excellency the President and yourself.

In looking over my instructions, I find omitted a clause which (if I remember right) was, in the original Dft, and as I then thought, very properly inserted.

It related to the Mediation of the U. S., and authorized me, to confer, or advise, (as might seem expedient) with Judge Ellis, the American Minister, near Mexo.

If this, was *inadvertently* omitted, (as I apprehend it was, from the Press of business on hand) I most respectfully suggest that it may may be embraced in your first, official Letter to me, so that I may consider it as a *part* (part) of my instructions.

I shall also be indebted to the department, for any new suggestions, that may result from deliberation, or fresh information, from any quarter.

Feeling duly the responsibility of the Trust I have assumed, I shall use every honourable effort to carry out the views of the President; but, whether successful or not, I shall hope to merit the approbation of his Excellency the President and his constitutional advisers.

Please place this communication, (Hurried as it is, for I write on board the Boat altho dated at *N Orleans*) with my Respects before the President, to whom I do not write on the present occasion, having nothing, beyond the contents of this note, to communicate.

Accept, Sir, the assurances of the particular respect and consideration with which I am

Your obedient St.

JAMES TREAT

Hon.

D. G. BURNETT

*Actg Secy. State
Texas.*

BURNET TO TREAT.

DEPARTMENT OF STATE

Houston 19th August 1839.

SIR

The instructions hastily communicated to you on the 9th instant were deficient, and I hasten to impart to you the additional wishes of the President in relation to your interesting mission.^a

Should you receive a favorable notice in Mexico and be able to progress so far as to establish a boundary line and the amount of compensation, you may stipulate that a treaty of peace, amity and commerce between the two nations shall be entered upon, as soon as practicable either at the city of Mexico, or the City of Washington or at the Capitol of this Republic, leaving it to the Mexican Authorities to select the location.

But as the mediatorial interposition of the Government of the United States has been conditionally proffered and will be cordially accepted by this Government it would probably be conducive to the permanency of the peace to be established, to conduct the negotiation at the Capitol of that Republic.

It is understood that Mr Ellis the Minister from the Government of the United States to that of Mexico, has been instructed to signify to that of Mexico the desire of the United States to see the difficulties between Texas and Mexico amicably adjusted.

You will therefore feel yourself at liberty with all appropriate delecacy, to confer with Mr Ellis and to make known to him privately, the nature and progress of your negotiation.

^a There is filed in the Correspondence with Mexico an undated memorandum of instructions to Treat in which are found the following points, not covered by letters to Bee and to Treat:

" Mr. T. will proceed to N. Orleans, and thence to Mexico either direct, or Via Pensacola, or N. Y. as, circumstances, in his opinion may render most expedient, and advisable.

He may employ, such person, or, persons as he may, think necessary to accomplish or aid in his objects, and for this purpose he is authorized to expend a sum not exceeding

Dolls. but, if any larger sum should be necessary it must be *contingent*, and subject to *approval* as will of course be the *main* negotiation "

Should you meet a decided repulse from the Government of Mexico, it is very important that you communicate that fact as early as possible to this department. Indeed we expect you will be an active correspondent under all circumstances.

With renewed assurances of great consideration

I am Your obedient Servant

DAVID G. BURNET

Actg Secy of State

WRIGHT TO BEE.^a

A FRIEND OF TREAT IN NEW ORLEANS TO TREAT.^b

TREAT TO LAMAR.^c

[Private.]

NEW YORK *Sept*r 3d. 1839.

MY DEAR GENERAL.

Pursuant to your own request, that I should communicate to you *privately*, and *frequently*, I have now the pleasure, as well as gratification, to address you, for the first time, since I took my leave.

From N. Orleans, I addressd two *official letters* to the *acting Secy of State*, and also a private or friendly communication, containing such news as I found contained in my letters from Europe and from Mexico.^d

I requested Judge Burnet to shew you these communications, which I have no doubt was done without any delay whatever.

I have *now* addressd. a lengthy official Letter to the *Hon. Secretary of State*, which contains all the information, or remarks, which I thought could be useful, or gratifying to yourself, as well as your constitutional advisers. May I venture, General, to refer you to that communication for the information (should it prove to be so) that it may contain. I would give it in copy, had I time before Post, but fear I may miss the Columbia If I delay a day longer.

I have reported myself up to the present time, and informed the Department of my intended movements, that I had been disappointed in my *certain* expectations of obtaining money from the Bank of the U States on my bill against your Loan Commissioners; and in con-

^a August 29, 1839. See Bee to Secretary of State, April 30, 1840.

^b September 2, 1839 (extract). See Treat to Lamar, September 18, 1839.

^c A. L. S.

^d One dispatch dated August 13; one private letter of the same date; and a communication, the date of which has not been ascertained, returning a paper inadvertently taken from the Secretary of State's office. Cf. Treat to Burnet, September 3, 1839. Only the first of these has been found.

sequence of said disappointment, I have solicited the Secy of State to ask of you to place the sum of *four Thousand Dollars*, out of the Post Note fund at my disposal for the necessary expenses. These matters and some other topics are all treated at length, in said communication, to which I again Respectfully crave your attention. I have address'd Judge Burnet a separate and Private Letter in case the *State Department* should be in new hands, who might be without any knowledge of the *antecedents* of this negotiation.

I trust my dear General, you will not find my request unreasonable, as of course means are necessary to carry out your views. I congratulate you, Sir, on the flattering prospects of an immediate recognition by France; on the favourable influence *that* measure will have on the British Cabinet; and as regards the negotiations of your Commissioners in Europe; and *last tho'* not *least* on the effect it will, nay, *must* have on the minds of the Statesmen of Mexico, who must of course see the utter *uselessness* of delaying a friendly arrangement of Difficulties, before it is *too late*.

I anticipate, Gen Success in *my mission*, and for you Sir, before you leave the chair, that Your country will be recognized by France, England, and *also* by the Mother Country.^a Your country will then stand, on a pre-eminence, *at once* proud, and enviable. Pardon the haste with which I am compell'd to address you, General, and believe me Very Respectfully

and most cordially your obt St

JAMES TREAT

To.

Gen. M. B. LAMAR,
Houston Texas.

TREAT TO BURNET.^b

[Private and Confidential.]

NEW YORK *September 3d. 1839.*

SIR

I beg leave to refer you to the official letter I had the honor to address you from New Orleans under date 13th Ulto; and also to another communication returning a paper inadvertently inclosed among my own in the hurry of my dispatch.

In a private communication of same date I informed you of the *then* recent news from England and Mexico.

I have now the honor further to inform you for the information of the President, that I left New Orleans on the 15th Ulto., and proceeded to Pensacola where I found the American Squadron all laid

^aApparently referring to Mexico.

^bL. S.

up until the 1st Octr. next. I left without an hour's delay and arrived at Philadelphia after some detention on the road on the 27th. Ultó., where I was detained two days to see the President of the United States Bank of Pennsylvania in order to negotiate my Bill on the Commissioners for £750, in conformity with the authorization of the President and your own directions.

From the extreme pressure for money here and in England, I feared the President of the Bank might not meet Genl. Hamilton's views, and I therefore assured him in making the application that the objects to be accomplished and for which those means were appropriated, were highly important to the Government of Texas, as well as of great interest to the prospects of the Commissioners in England; but these assurances, as it seems, did not avail, as you see by his reply to me in the following words:

"Your communication has received the most respectful consideration, but I regret to say that with every disposition to do what might be agreeable or useful to you and those you represent, the present state of the money market here and abroad compels this institution very reluctantly to decline the purchase of your Bill."

On receiving a negative I was of opinion that had I explained fully and *in extenso* to the President the objects of my mission, and he again to the Exchange Committee, I would nevertheless have succeeded. But a moment's reflection convinced me that I could not with propriety enter into full explanations which would develop the views and policy of your Government, without the exercise of *too much discretion on my part*; and furthermore I did not think it *good policy* thus to disclose the position of your affairs, even had I the authority to do so. I rather preferred adopting some other expedient to raise funds, and keep the objects entrusted to me to myself.

I found it impracticable to negotiate my Bills on your Loan Commissioners any where, and concluded to forward them for collection by the packets of 1st. inst. for acceptance and payment, and then I can of course command the amount without exposing the secret plans of the Government as regards Mexico.

Meanwhile Sir, I am and shall be without *any means* to execute the Presidents instructions and carry out the views of your Government until I hear from my said Bill. I therefore respectfully submit to you, and through you to the President, whether he will not direct to be placed in New Orleans, and subject to my order, say *Four thousand Dollars*, out of the Post note fund, to be used by me for my necessary expenses if my other resources fail me, and until I can be placed in funds through your Loan Commissioners, as contemplated by Genl. Hamilton and confirmed by the President and yourself. It will be admitted by all that means are indispensable, and that, since my

movements should not be suspended or retarded for want of money to defray the expenses of the Mission entrusted to me by your Government, it would seem but just and proper that the President should, if he deems the request a reasonable one, assent to it and direct that this be done by the first Steamer. I would respectfully *further* suggest in case this request is granted, that the money be placed in the hands of Doct. James Ritchie of New Orleans to deliver to me or my order when called for, which will only be in the event of necessity, and then only to such an extent as may be necessary and in conformity with my instructions. Col. James Love may be referred to for information of Doct. Ritchie, and I name him because it is the channel through which all my correspondence passes to and from the Government of Texas.

I arrived here on the 29th inst., and have availed of the London and Liverpool packets to communicate with the Loan Commissioners very fully and at length in regard to all matters which may interest them. I have also communicated with your Representative at Washington, Genl. Dunlap, and shall receive his hearty cooperation in every thing I may desire in this quarter.

Genl. Henderson (now supposed to be in London) has been kept advised of every matter of importance which has transpired in Mexico and the United States, and to him I have also written fully on yesterday.

On the 8th inst we shall look for the Great Western, and before that I hope to receive dispatches from your Department. A vessel is also expected here shortly from Vera Cruz, and I will then obtain from Washington the latest information from Mr. Ellis, secure the *further* good offices of the Govt. of the United States if necessary in behalf of Texas, and embark for Vera Cruz either from this port, or proceed to Pensacola, where about the 1st proxo. or before the fleet will be in motion, I can obtain conveyance which is already arranged with Come. Shubrick thro' letters from Col. Bee, to whom I write this day addressed at Pendleton Sth Carolina.

You will be apprized of the recent changes in Mexico before this reaches you. I need only observe that Bustamente's return to power will not, as I believe operate against my objects; and the change of Ministry I think advantageous to the country as they are taken from among the liberal party and are men of talent. Gorostiza is succeeded by Juan De Dios Cañedo as Secy of State, who is an old and intimate acquaintance of mine. Cuevas the Secy of the Interior is also a man of liberal and enlarged views; and Bustamente, with such advisers around him, and other influences which I shall, I trust, be able to bring to bear on the question, will I have little doubt be disposed to listen to the dictates of reason, rather than hazard the alternative. At all events, as I informed the President as well as yourself

verbally, it will be something to *ascertain* what they may be *disposed to do* in the way of *conciliation*, or what they *will not do*. And this information I trust I shall be able to acquire as soon as practicable, and I have little doubt of a successful result. My best efforts shall not be wanting to this end.

The favorable information from Genl. Henderson in relation to his progress towards the obtainment of a recognition by France you will also have received ere this reaches you. There can be no doubt judging from my advices, but the measure had been *decided* upon by the King and Council, and I should not be surprised if the *official* act reached here by the Steamer G. Western expected in about a week. This *fact* of recognition by France will no doubt produce a favorable effect on Genl. Hamilton's object as regards the Loan, and will further and more especially, *as I shall use it*, operate as a strong inducement for Mexico not to forego the present (and no doubt the only) opportunity it may ever have of a friendly arrangement with Texas.

I therefore think my chances of success are much strengthened by this event, as well as other circumstances.

In reference to Genl. Hamilton's *probable* success, I will take the liberty to remark that I have some hopes that he may make some partial progress in the sale of the Bonds, notwithstanding the unprecedented sad state of the monetary concerns of England. All however depends on the next advices from England. If the Corn crop should prove a fair medium one, or something better than usual, *all will be comparatively well*. If it is *short*, it is difficult to foresee what the consequences may be. The suspension of payments in Specie by the Bank of England; or if not, an utter inability to render any aid to the community at large, as it will require all her means (altho' immense) to sustain herself and the Governmt. The bankruptcy of one half of Great Britain might be the consequence of a failure of the crops. The next arrival therefore involves matters of greater interest to G. Britain and the United States, (indeed to the whole world) than were ever narrowed into the compass of *one steamer*. I shall not fail to apprise you of the news brought by the G. Western by first post after her arrival here and trust and hope they may be favorable.

I have extended my communication far beyond what I intended, and must claim your indulgence for having done so, and also for having travelled out of my *appropriate sphere* in treating of matters not properly committed to my management. You will I trust consider that this arises only from a desire to make myself useful, so far as my position will enable me to do so.

Should you not deem my communication too lengthy will you do me the favor to place it before the President.

Permit me Sir before closing, respectfully to call your attention and that of the President to that part of this communication which refers to furnishing me with money for purposes already explained and understood. I would further suggest with due respect that duplicate answers be sent to Dr. Ritchie, with directions for one to be sent to *me here* (to be used by my agent in my absence), and the other to be disposed of according to any directions to him.

I am Sir with great respect
and consideration

Your Most Obedt. Servt.

JAMES TREAT

To

His Excellency

THE SECRETARY OF STATE

Texas.

P. S. I had nearly forgotten to say that I arranged with my *friend* in New Orleans (who you know was to precede me to Mexico) to go forward the first conveyance, and from whom I expect daily to hear, not only of *his* movements, but the late news from Mexico, which shall be communicated in my next dispatch.

Respectfully

Your Obt. Servt.

JAMES TREAT

TREAT TO BURNET.^a

Pr mail }
Via N. Orleans. }

NEW YORK *September 10th. 1839.*

SIR,

I last, had this pleasure under date of 3d inst, which, I doubt not, will be in ample time for the Columbia, to sail on the 15th. inst from N. Orleans, and I hope it will reach you, on the 19th or 20th of the present Mo.

In that communication, I gave you, for the information of the President, all the information, *general* and *particular*, that I thought would be acceptable, under existing circumstances.

I only hope, that neither the President nor Yourself will censure me for the *latitude*, I have ventured to take in my *advice*s.

The *principal* object of this communication is to announce to you the arrival of the *Western*,^b Steamer Packet of the 24th ulto, (referred to in my last despatch) and which is now coming up the Bay. I trust her letters will be delivered from the Post office, by 1 or 2 P M.

^aA. L. S.

^bGreat Western.

and that I shall be enabled to give you the general features of the news, *at least by to days post.*

I therefore prepare this letter, *so far*, and will add what I can learn to the closing of the mail. *12 o'Clock* Since writing the foregoing and while waiting for my letters I have received advices pr Packet Ship Louisa, direct from V. Cruz, from the city to 10. and from the Coast to the 15th Ultó. So far as my letters go, there is nothing of any moment, Except that Bustamente's new Cabinet had been completed, by the appointment of Col. (*now* General) Almonte as Minister of War, which I am inclined to look upon as a favourable circumstance to an amicable arrangement with your Govmt. Almonte, is shrewd, observing, and intelligent, and well *knows* what the *true* interests of his *own Country* requires, and having been much abroad, speaking all the languages, etc and more especially having *been* in the *former Campaign*, will be entitled to consideration, *when* the time for the discussion arrives. I shall Examine the papers, (having received ample files) and if I find any thing of moment will apprise you. Meantime I abstain from filling up any more of my space, until I get my Letters pr the Western.

Sept. 11th. I was compell'd to suspend my communication, as I did not receive any letters Either from Messrs Hamilton or Burnley, or from Gen Henderson, which I thought singular, until I found that a letter from Gen H. to a commercial House here refer'd. to letters sent *by* or *in*, the Bag of the Legation of the U S. in London. I have sought in vain for them, and altho' I am persuaded that *such letters* as are refer'd. to by *Gen H.* (and among them one *probably* for me) were either placed in the Bag, or intended to be. If the *former* they have probably gone to Wash[ingto]n. If they have not *come over*, they will reach here in the Queen, to sail 3d inst. Expected 19th or 20th.

Whether the despatches from Gen. Hamilton or Gen. Henderson for your Govmt. are in the same predicament, I have no means of knowing. The Gen News, pr G. Western, may be *summed up thus*—The corn crops in the south of England and Midland counties would be good, and the prospects of the North and Scotland fair. The Queen would bring them.^a It was thought there would be an average crop. The Money Market was about in the same position. The Illinois Agents had negotiated *four* millions, but it was connected with a contract for *Iron*, and the terms or conditions had not transpired. The question of Recognition by France, had not progress'd. since the preceding dates. It would *soon* take place no doubt. Gen. Hamilton, I hear wrote in good spirits—would leave for Paris 24th Ultó. Thought England would recognize and that he should, *par-*

^a Meaning apparently a statement of the prospects.

tially succeed in his Loan. This However, is *hearsay*; and so I give it. Pardon, Sir, the haste of my uninteresting Communication. I shall have this pleasure again in a few days, which will indoubt-
edly reach this on its way.^a

I am, Sir with Great Respect
and consideration, Your Very
Obt and Hble Servant

JAMES TREAT.

Hon.

The SECY OF STATE

Houston

Texas.

P. S. There is a packet, for Vera Cruz to sail the 25th. Inst, being the first vessel since my arrival here. In this vessel I *expect* to *embark*.

TREAT TO BURNET.^b

Via N. Orleans.

NEW YORK *September 18th, 1839.*

SIR,

I have the honor to acknowledge the receipt of your official communication of 19th Augt., duly at hand, which is intended (and will so be considered by me) as an *addition* to the *instructions*, which I received personally from your hands, under date of 9th. of same month.

These additional instructions are, in my opinion, important, (as you will see by my respects of 13th Augt. not *then* received by you) and I shall endeavour so to make use of them as to secure, to the greatest possible extent, the advantages contemplated by the President.

I last had this pleasure on the 10th and 11th inst,^c giving you the *general features* of the news by the Great Western, having to regret the unexpected absence of *my own* advices from the Loan Commissioners and from Gen. Henderson. I am persuaded, however, from various circumstances, that I *should* have received letters from *both* the above sources, *but* as I have every reason to believe they *missed* the *Steamer* on the *other side* from some accident, which will be explained by the British Queen, expected in one or two days. This vessel, I hope, will not only bring me the *back letters*, but later information of which I will promptly advise you. I have communicated with Col Bee and Gen Dunlap and *very fully* and *freely* to

^a That is, overtake it.

^b A. L. S.

^c The letter dated the 10th was written partly on the 11th. See the list given in Treat to Lamar, September 18.

the commissioners every opp[ortunity], and in *duplicate*, and have left *them* to inform Gen Henderson of the objects contemplated by my *private mission*; as this would seem proper, if not necessary.

The rumors, here, are that Gen. Henderson had made no further progress, since the former advices, towards recognition by France (probably owing to the King and Cabinet being constantly occupied with the affairs of the East) *This*, I believe is founded in *fact*. It is further stated *that* Gen. Hamilton found a warm and flattering reception—*that*, altho' the pressure was very great, yet he thought a favourable *turn* near at hand,—*That* he hoped for partial success, when affairs should assume a better aspect and *that* he felt Confident that the Recognition of France, and *also* of *England*, would be soon obtained. This would all seem quite *probable*, and *therefore* may be true, yet I only mention them as *rumours here*. Gen Hamilton would leave London for Paris on the 24th. August.

We shall so soon have the advices pr Queen, that I abstain from any further comment, which, at best, would be nothing but *conjecture*, on *my part*. I only await the arrival of the Steamer, and, meantime, also, to have an interview with a friend of mine in the Cabinet of this Govmt. (necessarily deferred, by unavoidable circumstances) and shall *then* be prepared to leave, of *which*, and *Route*, I will duly advise your Department.

I enclose a *private* letter to Gen Lamar, which I beg you will hand him, together with this communication.

I have the honor, to be, Very Respectfully,

And with the highest consideration

Your Most obt Servant

JAMES TREAT.

To.

The Hon.

The SECRETARY OF STATE.

Houston.

Texas.

P.S. Sept 19th. Since the foregoing I have received a letter, from Gen Henderson, dated *Paris August 5th 1839*. It is old (compared with dates pr Steamer) but, being 10 days later than any thing I had received from him; and supposing it *possible* the advices to your Department *might* have failed, I will *Extract*, what will be gratifying to the President and yourself. If you should be without your *regular dates*.

"Since I last wrote you, by the Liverpool Steamer, my business has "advanced slowly, but smoothly. I hope soon to complete the Treaty "now in progress with this Govmt. So far, we have had but little "difficulty in agreeing, and from what has verbally passed between

"them and myself I feel confident of success, without unnecessary "delay," etc. etc. etc.

The above is *all*, of any moment contd. in the letter, and I beg you to bear in mind that all communications from Gen H. to me, referring to *Public matters*, is strictly confidential between us.

Very Respty Your Obt Servt

JAMES TREAT

TREAT TO LAMAR. ^a

[Private and Confidential.]

NEW YORK, *September 18th 1839.*

MY DEAR SIR.

I have the honor and the satisfaction, to lay before you *my own translations* of two papers, which I have recently received, and which I think you will consider as favourable to the accomplishment of some of the objects embraced in my mission.

No 1. is an exact, and full translation of a brief note from our *private friend* in Mexico to *my friend and co-operator* then at New Orleans, and will speak *for itself*.

No 2. is a translation of the remarks of my friend in N. Orleans, who encloses it, and who, like myself, thinks the change decidedly favourable.

My friend would embark from N. Orleans about 15th inst for Tampico, not a single vessel having sailed from N. O. for Vera Cruz, or Tampico since my departure from that city on the 15th. ulto.; hence his delay. He will be in the City of Mexico about the 1st or 5th October. If I leave here, as I intend to do, by the 25th, instant, I shall not be more than 10 days behind him. I feel confident that it will not require much time, before I shall be able to ascertain *whether* this disposition to enter upon *Some* reasonable and amicable arrangement is *real or apparent*. I beg leave to refer you to my previous private Respects, and hereafter, I trust, I shall have more frequent occasion to address you, *when* I hope my advices will possess more interest.

I also take leave to refer you to my several communications to the *Hon* the Secretary of State since my departure from Galveston,—*to wit.*

from N. Orleans, under date of 13th. Augt 1839.

"	N. York	"	"	"	3d Sept	"
"	"	"	"	"	10/11 do	"
"	"	"	"	"	18 do	"

These will appris you of my movements and doings to the present time, and that I soon expect to reach the important field which you

Sir, have been pleased to assign me, and which I shall approach with confidence, altho' not without great precaution and circumspection.

Hoping Your health is perfectly restored, and wishing you much happiness individually and publicly,

I Remain Sir, with great respect,
and very cordially Your most
Obedient Servant

JAMES TREAT

To

Gen. M. B. LAMAR
Houston
Texas.

[Translation.]

Private.

No. 1.

MEXICO August 2d, 1839.

MY DEAR SIR.

I have been duly advised of the Plan that has been finally adopted, and that you will very soon be here with further particulars. *Would to Heaven* it were *this very day*, as, since the Govmt. is changed, (meaning the return of Bustamente, and change of his Cabinet) and Mr Cañedo, has assumed the duties of Secretary of foreign Relations, I have prepared things in such a manner, that the matter might be concluded in *four days*. Let all continue to be kept secret, so as not to excite any private interests, or produce any sensation; but let the thing be made public, only at the moment of its realization.

I await to see you with great anxiety: and Remain very truly etc
(signed) _____

To .

_____ at _____

[Translation.]

Private.

Extract:

No. 2.

_____ Sept 2d, 1839.

MY DEAR SIR.

I hand you herewith, the original of the last note from my friend _____ in Mexico.

Its tenor is such that, did we not know the Mexicans to be somewhat variable, we should (consider) as absolutely certain our success. I wish what our friend *says* might be accomplished, *even in four weeks*, with which *I* should be quite satisfied.

You have seen the names of Bustamantes new cabinet, but in case you have not, I will give them.

Juan de Dios Cañedo, Secy of Statè for For. affairs.

Luis Gonzales Cuévas, do do for the Interiour.

Xavier de Echeverria, do do do do Treasury.

The war Dept. *not yet filled.*^a

I know them all very well. They are moderate as party men, very talented, and *further*, are men of great probity of character; quite rare occurrence in that Country.

I consider this change favourable to our object, because these men are all highly intelligent, and of great integrity, hence, it will be easier to convince them of the *true position* of the Texas Question, and *also*, because it will not be necessary to use so large an amount in *Gratifications, and Doceurs*. Therefore the Treasury, will be benefitted, to a greater Extent.

We shall soon be on the field and can *then* better judge of this whole matter. etc. etc. etc etc.

Signed _____

To _____
of _____

TREAT TO BURNET.^b

Pr mail. via
N. Orleans

NEW YORK *Sept 21st 1839.*

SIR—

I last had this pleasure on the 18th and 19th inst. to which I crave reference, and have now the pleasure to announce the arrival of the British Queen Steamer, with dates from London to the 2d instant.

This packet arrived yesterday noon, but too late for me to obtain her news for yesterday's post. I am sorry to say I have nothing *direct* from either of the Commissioners myself, unless a gentleman who came over, and brought some letters from Genl. Hamilton to others, should have some for me also. I have not yet been able to find him, tho' I fear, when I do, I shall not be gratified by any communications. I cannot however omit stating *generally* what I have heard, and presume to be correct, and especially as I know not if you will receive dispatches either from Genl. Henderson or Genl. Hamilton by this packet.

. It appears that Genl. Hamilton went to Paris 24th Augt. and writes from thence as late as the 31st same month. He had seen

^a [Note by Treat] Since filled. by Gen. J. N. Almonte.

^b L. S.

Marshal Soult, and had a most gratifying interview with him. Genl. Henderson had nearly completed his treaty, which of course had for basis the Recognition of Texas. It was thought he might *bring it himself in the Liverpool Steamer to sail this day*. Genl. Hamilton would *also* return here pr. the same Vessel whether Genl. Henderson came or not. A formal offer of your Bonds would not probably be made to the public while the market was so extremely depressed. as it continued to be. But between October and January next, it was believed the Loan might be effected. Meanwhile some money might be had in advance of the negotiation. When the Treaty should be finished with France, there would be some time to *feel* of the British Governmt. as regards their views in relation to recognition, and it was thought that they would not long hesitate in their decision, which it was believed would be favorable. O'Connell's effort to hamper the Ministers would come too late—at least that was the impression.

This Sir, is the substance of the information which I have obtained from letters from London and Paris, and I think it entitled *to general credence*. I however give it to you as I recd. it, and trust the President will receive it as all *I can now* impart to him on these interesting topics.

If you receive as I hope you will your regular advices from the right quarters, you will learn the *facts* from a *better* source. If not, then even this may be gratifying to the President and his advisers.

The news generally is unfavorable, and the shipment of One Millions more of specie pr G. Western which sails to day makes things look very *squally here*. The Crops however in England were coming in *thus far* very favorably. Affairs in the East had not yet been satisfactorily settled, but they were or will be under the direction of the five Great Powers, who will doubtless preserve the peace of Europe. You will see by the papers I send you the Queen's speech at the closing of Parliament. Also an article from the Albion of to day, which I have not yet seen, *but* am told is a very judicious one.

I beg you to lay this communication before the President with my respectful considerations.

I remain Sir

with great regard

Your very obedt. servt.

JAMES TREAT

To the

Honble

The SECRETARY OF STATE

Houston Texas.

TREAT TO BURNET.^a

Via New Orleans—

NEW YORK *October 5th 1839.*

SIR

My last respects were under date of 18th. and 21st. Ulto., to which I beg reference, altho' neither of them were important. Since then we have no further news from Mexico, nor from Europe. The Steamer Liverpool, to leave 21st Ulto., will be due about 8th inst, and I anticipate some flattering intelligence for your Country by her, of which I will immediately advise you.

I had thought when I *last* had this pleasure, that my *next* communication would advise you of my *immediate*, if not *actual* departure, but there exist some causes of delay which I have thought justifiable, and I hasten to apprise the President through your Department what they are, trusting that he will approve the *motives* which may induce the little delay referred to, and even the *delay itself*. The ship Ann Louisa which it is was thought would get away on or about the 25th. Ulto. will sail on the 6th. inst for Vera Cruz, being the first Vessel from this port (or any neighbouring port) for Mexico since my arrival here, and by this Vessel I had intended going, and *personally* am now *ready* and *desirous* to *embark*.

But 1st., I have not heard of my friend's actual embarkation from N. Orleans, who, according to the plan we laid down, was to precede me, and tho' *this* was not deemed indispensable, yet it was thought *expedient*. This delay on his part arises no doubt from the detention of the only Vessel which could convey him, viz. the Schr Doric for Tampico, there having been no other Vessel for any part in Mexico since 15th. Augt. Either this, or his *indisposition* (I have no doubt the former) must be the cause of his *unexpected* and *unwished* for delay, and I am left in doubt, in the absence of his letters, *which*, from his usual punctuality I fear have miscarried.

2nd. I thought I was so near the expected arrival of the Steamer Liverpool which would bring Genl. Henderson and his Treaty with France (as is now believed by all) that I should be justified in waiting for them a few days, as the *official* knowledge of the Recognition by France would be an item for an argument which would be very available, and an interview with Genl. Hamilton would be highly desirable *on my* part, and the more so, as he will have left Europe before any of my communications to him will have arrived there, and further by conferring with him I might obtain some information of the *Mexican Bond market*, which would be useful to me at the very commencement of my discussions.

^a L. S.

And 3d. Genl. Dunlap has thought it important that he should see Mr. Forsyth or the President, and induce some further communications from the former to Mr. Ellis the American Envoy in Mexico, which might be useful *generally* and *particularly*, in case the mediation of the U. States should be asked for by *Mexico*. And this he has not yet been able to obtain, owing to the absence of the President and most of the Cabinet until *now*, when they are again reassembling at *Washington* and where Genl. Dunlap only arrived himself about *three days since*; and from whom I expect advices, and if necessary I will *myself* repair to Washington, which is very probable, but only for a few hours or a day at farthest.

For these various considerations I am induced to omit going in the Vessel of the 6th., as I intended, but there are two other Vessels to succeed for the same port and [they] will sail from the 12th. to 15th. inst., in either of which I can take passage, and thus only lose, as *it were*, some week or so, and secure as *I hope*, all the advantages which I have suggested, as the *motives* for my *delay*.

I trust this plain Statement of *facts* will justify the course I have thought it my duty to adopt under existing circumstances, in the *opinion* of the *President* and exonerate me from *any* suspicion of desiring to *procrastinate* for a *single moment* the earnest desires and just wishes of the Executive for a speedy result to the important objects committed to my management and which *I duly appreciate*. It is for this reason that I have been so *minute*, for which I crave your *indulgence*.

As regards funds, I have since my last obtained the Cash for my draft on the commissioners for £750 St. from the President of the United States Bank of Pennsylvania at the instance and through the intervention and arrangement of your Minister Genl. Dunlap who will advise the Department by *this mail boat* of the particulars.

I have only to say, that while I did not consider it *essential* to my departure to have these funds (for I should have gone without them, had it been *necessary*, or had I embarked before the arrival of Genl. Hamilton) yet I confess that the funds *were and are desirable* on *my part*. I was moreover reluctant to assent to any arrangement that should *absorb, even temporally* any of the funds, to the credit of the Governmt. in *that institution*, but Genl. Dunlap, wishing to promote the wishes of the Governmt. as involved in my mission, had agreed upon the arrangement, and when I was called in the Drafts were prepared and the arrangement concluded, as I did not doubt for a moment, that some arrangement would be made by Genl. Hamilton on his arrival here to release the funds pledged by Genl. Dunlap and cancel *that arrangement* by assuming my Draft on the Commissioners, or what is the same thing giving the bank satisfactory assurances that my Bill will be duly provided for.

I have thought proper to advert to this transaction, as Genl. Dunlap will address you on the subject. I will inform you, before my departure, how the matter is finally arranged after Genl. Hamilton's arrival; And in the meantime take due note of this monied transaction (as I shall of all others) for the purpose of future adjustment of accounts with your Department. Excuse the length of my Communication, and accept the renewed assurances of the highest respect and consideration of

Your Obedt. Servant,

JAMES TREAT

To the Honble

The SECRETARY OF STATE *Texas*.

P. S. Should the President have directed the funds I asked for, to be placed with *D Ritchie*, or any one else, I Respectfully suggest the propriety of permitting them to remain until you receive my next communication *which* will be *after* I have conferred with *Gen. Hamilton*, and therefore will inform you *Exactly*, how I am situated, in *this respect*.

Repty Your obt Servant

JAS. TREAT

TREAT TO BURNET.^a

Via N. Orleans

NEW YORK *October 10th, 1839.*

12 O'clock.

SIR,

I fulfil the promise made in my last dispatch of 5th inst, (to which I beg leave to crave reference) and have to advise you of the arrival of the Steamer Liverpool, which left on the 21st Ult. Genl. Hamilton, who came passenger, I have just seen for a few moments. He said he should write the Govt. himself today; but the press of calls upon him, together with a slight indisposition, which he always suffers for a few hours after landing, may *prevent*. I therefore give you the *substance* of the information I have hastily derived from him, in case this should reach you before any communication from the Genl. himself. Genl. Hamilton has *not* effected the loan or any part of it. He left every thing in a *very* fair train and with full hopes that the negotiation will soon be made. He was offered the night before his departure from London to draw for a Million of Dollars, which he declined, as he felt confident ere long a better negotiation could be made,—probably as soon as it was known that England (as was believed) *as well as France* would recognise the

independence of Texas. Mr. Burnley of course remained in England. Genl. Henderson had in fact made a Treaty of recognition, but the King, being on a tour though the Departments, could only have it laid before him in Council on his return to Paris, *then soon expected*.

Genl. Henderson would then proceed to England and endeavour to effect the same object there; which Genl. Hamilton thinks is already agreed to *in point of principle* by the English Cabinet, but some little time may be required before they can act, in consequence of the instructions given to Mr Packenham to mediate between Mexo. and Texas. Genl H. said Lord Palmerston does not doubt that England will recognize, altho' the English presses state that the Govt. had declined to *recognize*. This Sir, is all I can *now say*—and I hope you will hear from Genl. Henderson, as well as Genl. Hamilton *themselves* which are better sources of information than my own given from memory and in haste.

I shall at an early moment explain every thing needful to Genl H. in relation to my position and run on to Washn. where Genl. Dunlap advises me he will have some information for me, that I ought to have. I hope to be off by *Sunday next*, 13th. or 14th. inst. I feel great confidence in my success, and that soon after my arrival *out* ^a I shall be able to apprise the President of my favorable progress as every thing seems propitious.

The result of my final arrangements with Genl. Hamilton in relation to funds etc—and the information I may derive from Washn. shall be given in my next, which will precede my departure for Mexico.

I send papers, to which please be referred for the General news from Europe—together with the *suspension* of Specie payments on the part of the U. States Bank and all the other Banks in Phila. and Baltimore. The Banks here have *not* followed the example and I think will not if they can help it. They will try *hard* and I think they will succeed.

Please present my respectful considerations to the President, who I will do myself the honor to address before my departure.

With great respect

I am Sir

Your very Obedt and Hume. Servt.

JAMES TREAT

To

The Honl.

The SECRETARY OF STATE

City of Austin

Texas.

^a That is, in Mexico.

TREAT TO BURNET.

[Duplicate.]

NEW YORK *Octr. 23d 1839*

SIR

I beg leave to refer you to my last communications to your Department of 5th. and 10th. inst, in which I apprised you for the information of the President of the position I was then placed in, and that I had deemed it my duty, under the circumstances to postpone my departure in the packet of the 6th inst (The First Vessel for any port in Mexico since my arrival in this City) and await the arrival of the Liverpool Steamer expected by the 8th or 9th inst. She arrived on the 10th, and I received all the information from Gen. Hamilton that could interest me in the prosecution of the instructions of the President. I had previously been urged strongly by Genl. Dunlap to visit Washn. and obtain through him such information as he thought might be useful to me.

I therefore left here on the 14th inst with Genl. Hamilton and accompanied him to Phila., Baltimore and Washn., availing myself of this opportunity to compare notes with him and obtain every information that was desirable. The Genl. left Washn. on the evening of the 16th for the south, and I had a full and interesting conference with Genl. Dunlap during the 17th, and left Washington same evening for N. York. I consider this delay therefore (altho' at first view a matter of great regret) advantageous, as it has given me *important data* which I could not have obtained without waiting for it. Instead of going into further particulars I beg leave to refer you to Genl. Hamilton, who I trust will confirm to yourself and the President the view taken of the subject.

And in the same manner I beg permission to refer you to the communications of Genl. Dunlap in regard to his proceedings at Washington for the purpose of aiding me in the execution of my trust, and doubt not that he also will consider the delay fully compensated by the *strength* I have gained from these new acquisitions of information. It might be improper for me to enter into any further details in matters involving such delicacy and secrecy, since Genl. Hamilton verbally and Genl. Dunlap by letter will furnish the Department and the President with such details as may be thought proper and expedient. I beg you Sir to be assured, and to assure the President, that while I am sorry that so much delay has occurred in my final departure, yet it has in part been imposed upon me by stern necessity, and partly by the deliberate convictions of my duty and I trust that events will prove that the time thus lost *here* will be more than gained on the field of action. I crave therefore the favorable consideration of

the President and the Dept. of the facts here submitted and I trust that thus far my course will be fully approved, if not in view of the expose of the causes which have induced the delay, at least when you shall become acquainted through Genls Hamilton and Dunlap with all the further particulars.

While I was in Washn. a vessel sailed hence for Vera Cruz, but she was a very dull vessel, deeply laden and indifferently commanded. I could not have gone in her without foregoing the advantages above adverted to at Washn. and had I been ready, it would in my opinion have been better policy to have waited for the present conveyance.

I have now the satisfaction to inform the President through your Department that I leave here tomorrow in the Brig Frances Ashbey for Vera Cruz direct; she is a good Vessel and commanded by an experienced man. I expect to land in Vera Cruz in 16 to 20 days and will probably be in the City of Mexo within five days after my arrival—say between the 20th and 25th Novr. My friend V.^c left N. Orleans in the first vessel that sailed for Mexico, say about 1st. inst, having embarked for Tampico. I calculate he is now (or will be in a few days []) in the City.

I expect his advices will be awaiting me at V. Cruz on my arrival there, and they may be worth communicating as an indication of the feelings of the Govt. in relation to Texas—at all events I cannot I think fail to know some thing which will indicate the success of my mission a very few days after my arrival in the City. I shall avail myself of every possible opportunity of apprizing the Department of my progress as I am fully aware that time is *now* all important to the Govt. I anticipate therefore that you may expect my advices from and after the 1st Decembr. and throughout the whole of that month as I may find the facilities of communicating to N. Orleans and other Southern ports. I have been thus particular in anticipating events because it may aid the Govt. in their plans and views as regards the adjournment of Congress. I hope it may set over the Holidays that is in Jany, If as I *now* apprehend the Govt. shall find it expedient to submit the result of my Mission (whatever it may be) to Congress, or what may be the same thing in effect to obtain from Congress such further Legislative authorization as in view of my advices, may be deemed necessary to carry out the Negotiation should one be initiated. I hope Sir the President and Departmt. will excuse these remarks, as in making them I am aware that I am traveling out of the sphere allotted me. My apology therefore must be a strong desire on my part to promote the interest of the Govt. and Country in whose service I am now engaged.

^a Probably Vitalba.

If I succeed promptly in any preliminary arrangement which I may conceive may require the immediate action of the Government through the Legislature, I shall in addition to any advices proceed at once and with all possible despatch to your seat of Govt. provided there is nothing important to be gained by remaining in Mexico. Pardon Sir the length of my communication, and with my respectful considerations to the President

I remain very respectfully
Your Obedt. Servt.

sigd JAMES TREAT

To
The Honorable
The SECRETARY OF STATE
Texas

WRIGHT TO BEE.^a

WRIGHT TO BEE.^b

WRIGHT TO BRYAN.^c

MEXICO CITY *Nov 21st 1839*

DEAR SIR

It is with pain that I announce to you the unhappy news of a declaration of war, and an immediate invasion of that flourishing and promising country called Texas.

Owing to an unhappy transaction^d which took place lately on the Rio Grand must be attributed this precipitate and unlooked for movement of the mexican Government. I was aware that an expedition was fitting out for that Country for the coming spring and that an invasion would be the Result if another internal revolution did not prevent it and efforts have been made by various ways and means in order to consolodate the Republic with harmonious feelings to each other in order to have security and peace at home, while the Enemy was crushed abroad. But owing to the awful fact that their Frontiers upon the R. Grand now swarms with enemies of foreign blood^e presents a scene of such magnified danger to the country that every

^a November 10, 1839. See Bee to the Secretary of State, April 30, 1840.

^b November 18, 1839. See Bee to Secretary of State, April 30, 1840.

^c See note ^a, p. 429.

^d [Note by writer.] Canales, firing upon the Mexicans, assisted by Anaya and Texans.

^e [Note by writer.] Report makes out that the Texans not content at home have joined the federals, and thus have caused this unexpected war.

consideration of minor importance has been laid aside and the country with all its towns will be left to the mercy of the Bandit hord who may deluge the republic and to the revolting foe. Government under present circumstances cannot stay the depredations of the robber; she alone is able to call upon the people in patriotic strains to lay down their domestic quarles and here in unusual [?] univer[s]al mass to crush the rebel Texian foe and grind to powder the more accursed traitors of their own blood attached to that hatefull flag.

The Texians having made their appearance on the frontier has been a great stimulent in the hands of this Government in waking up the feelings of the people and it is no knowing the forces that will be raised. Genl. Arista left here the 19th. For Matamoras with orders to draft in every village; same day left this city 1,300 Infantry and Cavelry and some few pieces of Artillery.

Congress alarmed at the prognostic storm of measures called a Junta relative to ways and means to support the campaign, recognising at once the proclamation of war.

Nov 22nd.

No mail having arrived, I have no news to give of interest, Further than that on the page of yesterday. This city is quiet very quiet, conversasions upon the present war are only heard among the higher classes. The army which I think will not exceed 15,000 men are to be raised out of every department, and it is presumable that provisions will be contracted for to feed the Troops in New Orleans.

From letters received by way of express from Chichuachua^a and New Leon other measures are making in raising men for this *praiseworthy* and *patriotac* campaign. There is no doubt [the force] will amount in all to 20,000 men but I must be permitted to make a deduction of $\frac{1}{4}$ at least for disertion sickness death etc. and From what I can learn the campaign will be conducted much in the same way as the last.

The Comanches are most confoundedly battered in the present political movement, not knowing which party of Mexicans are their friends, and much consultation will be held by their Chiefs previous to a final conclusion.

Report says that the Texians are already on the River (Rio Grand) with several schooners of war. That the people of the United States are indirectly aiding Texas with means to carry on the war, that her old adherents (Texians who formly^b asserted that Republic citizens of the U S) have awoke up afresh to a new era of speculation even beyond the Rio Grand. That the clustering stars upon the Amercan flag have had their song of joy in hopes of an additional star, even

^a Chihuahua.

^b Formerly.

that of Texas being added to their member. These reports however far from the point of truth, bring with them that which will cause this people to maltreat the citizens of the U S who are scattered through this republic.

Genl. Urrea is shut up in a doleful prison

A gang of 150 robbers lately nearly swept a whole caravan of their ^a goods. But robbers are so common that but little is said about it and stage routs are beset continually.

Nov 26th.

I have been waiting arivals of importance from different parts of this Republic, but in vain.

Every effort is making to raise troops sufficient not only to save Matamores and drive the Federals off of the Rio Grand, but to invade and retake Texas. Of this there is no doubt, that is of the order of Government to that effect. How far they may be able to enter into that country you perhaps know better than I can form an idea.

How under the heavens the mexicans can keep together and support this army of at least 15,000 men which she is raising is unknown to me.

The patriotic feelings of the people according to what has been said and the heads of department out ^b by this time to be shining out in splendid offers of presents and loans. But naught is said, even [of] the loan authorised by Congress to the National bank of \$800,000 No one as yet (at least up to Saturday last) has offered to loan the *Junta Govenment*, of Bank a single dollar. I believe therfore that the Custom houses will be the only resoures of consequences.

The army of course (as usual) will have to wait for their pay until the war is concluded; and then be put off with a shilling, and be even thankful for that.

But before I conclude this letter permit me to take you in amagination to sune towering height near Monterey or durango where meets the various divisions that will compose this campaign. Look to the S. W behold that numerous throng that crowd the high ways, these are the troops from Mexico, pueblo and other central districts of Mexico, they are the best clothed of any you will see, but they are in raggs, many are without hats and many are even without sandals; how slow they move, what an awful spectacle of human misery, their vivacity has fled for want of the necessaries of life; a little further on are hundreds of poor females following their husbands barefooted with their children upon their backs—still further on you may see in the way they come a continual Hospital of dead and dying. To

^a Mexican.

^b Ought.

the North you behold a crowd advancing more like burned pilgrims dressed in tatters than people going to war. You may see a similar scene to the South, perhaps a little better conditioned but bereft I perceive of a heroic spirit, do they not remind you of the Philistians going to take Sampson.

Please writ me to care of Eliot & Snyder veracruz, and be so good as to inform me if there is anything in which I might be servasable; and your oppinion if I had best remain in this country until the conclusion of the war or not. I am hard put too to make ends meet. It is an expensive country in which to live.

I am dear Sir your very obedient Servant wishing you and yours every prosperity in the present crisis.

Mr.

Nov 28th.

Notes. The artillary of Pueblo has been sent against Texas.

Congress has given the president power to make loans necessary to carry on the war against Texas. The \$800,000, I understand has been excepted.

Great alarm exists throughout the Republic.

Notes Nov 28.

There are many spies in Texas and I see letters continually coming from them advising Mexico of the movement of that Republic. News comes by way of San Antonio and also from Matagorda etc. the lower rout.

Note. I have just learned, that a Law here has been past and is to be put into immediate effect, that of an augmentation of 15 per cent on all internal importations of goods—understand me, not on goods entered at the sea coast custom houses. The duties there will remain the same, but 15 per ct on valuation here on all goods shipped from thence for internal consumption. Before the law was 30 per ct on amount of import duties, goods now must be sold at 15 pr ct higer. this is one of their steps to raise money for the present and future wants of Government.

Nov 28th.

Mexico it appears, from sources not published, will if she does not succeed in the retaking of Texas, and holding the same will if possible make some arangement with England, perhaps in the following manner, as fast as she gets hold of any part of Texas, to place the english flag upon the spot, and so on. I have seen in my wanderings in the far west a snake. It was furious and faught long; at length bit itself and died. It might have escaped back into its den and have lived many years in quiet.

TREAT TO BURNET.^a

[Original.]

ROADSTEAD OF VERA CRUZ.

November 28th 1839.

Thursday night 9 oclk.

SIR.

I hasten to apprise your Excellency, of my safe arrival, at this Port, at 6 P. M., this Evening, after a tedious and unusually long passage of *Thirty two days*, during most of which we have had to contend with calms, head winds, and gales; having put into Key West for supplies, and on one occasion *laid to*, for *five days and nights consecutively*.

This unexpected long passage has been annoying and mortifying to me *in the extreme*, having counted the tedious hours, as they have dragged heavily along; but it is useless to *complain* of the *Elements*, for the "*Wind bloweth where it listeth*."

My health, (which was by *no means*, good, when I embarked) has suffered somewhat, but I doubt not a day or two of quiet rest will restore me and that I shall be invigorated and fully prepared to prosecute my delicate and arduous duties with all the skill and energy I can bring to bear on so important a matter.

Of one thing, I can *assure* your Excellency, that my *efforts* shall be *proportioned* to the *unexpected delay* I have experienced in *reaching here*. I take this occasion to remark, that I furnished Gen Hamilton with *Copies* of all the letters I addressed to the *Loan Commissioners*, as well as to the *General himself*, none of which had been received before his departure from England; hence, they would all be received by Mr *Burnley*. The one dated 6th Sept^r contained *my Ideas*, (hastily given) in relation to the Mexican Bonds, in England, as having a *possible bearing*, on *anticipated negotiations*.

I do not *know*, that there is any thing in them, worthy of *your perusal*, but I thought I would mention the *fact*, that Gen H. has the copies, that you *might refer* to them, If you thought proper, and also, to shew to Y. E. that I have *thus far*, promptly and fully complied with this branch of my instructions. I found Gen. H. averse to this branch of the operation, for reasons he will undoubtedly explain to the President and which, may be found satisfactory, *altho'*, they were *not so to me*, probably *because* his Views, were not *fully explained* to me.

I trust my last several letters from N. York are already received, with the *duplicate* of *all* my letters to the *Department*; and that H. E. the President, will have accorded to me, in the course I have felt it my duty to pursue, his favourable consideration.

^aA. L. S.^bThis letter has not been found.

I shall address Y. E. and also Gen. Lamar, a separate communication to which I crave reference. Having but *just* arrived, have nothing *new*, to communicate in this note.

I beg your Excellency will pardon this Communication, under the circumstances in which, I am *now* writing.

I am, with the greatest respect and consideration, Your obedient Servant

JAMES TREAT

To the Hon.

The SECRETARY OF STATE

Austin:

Texas.

TREAT TO BURNET.^a

[Confidential.]

Original.

CITY OF VERA CRUZ *Novr 29th. 1839.*

SIR,

I beg leave to refer Y. E. to my note of yesterday evening's date, written to avail of any opportunity that *might* perchance offer the next morning, but finding no vessel *soon* for any port in the U. States or Havana, it will accompany this communication, and be forwarded; the *first vessel* which may leave *this*, for *any* neighboring Port.

I have been on shore but *two hours*, found my *anticipated advices* from the city of Mexico, one bearing date 19th and another the 23d. instant, the writer *my friend* having passed thro' here to the capital about *three weeks since*, after being detained at New Orleans by severe sickness longer than the period fixed on for his departure.

He writes me *briefly*, of course, as he would not go into any *detail* by letter, knowing that I would repair, as soon *as possible*, to the capital, which he requests me to do. He says, *in substance*, that the *subject matter* has been kept alive by those friendly to the measure, since the change of the Cabinet, up to *his arrival*; and *more especially, since that period*, awaiting my appearance. *That* every thing *still* wears a favourable aspect; and *intimates* that there *had been* a time, when the matter could have been *adjusted* in *half an hour*.

What is here *meant*, I am left to *conjecture*, as he leaves all the *Minutia* for a *Verbal interview*.

Whatever it may be *however*, I am satisfied it does not effect the *main question*, even *now*, or in other words, that the *same favourable juncture* or one *equivalent*, may *again* soon present itself.

^a A. L. S.

It appears also, that independent of General Annaya's movements, the subaltern chiefs of the Federal Party, on the frontiers of the *Rio Grande*, have encountered the Govmt. Troops at, or near, Mier, and *entirely* defeated the latter, and were by last advices following up their success, by marching towards Matamoros, which *post*, it is apprehended by the Govmt. may *now* fall an easy prey to the federal faction *so called*.

This event, has recently produced, considerable excitement in Mexico, inasmuch as, somehow or other, the impression has obtained *apparent* credence with the Govmt. or the Congress *that this success*, on the part of the *Federalists*, was secured by the *co-operation* of Texas, either *with* the sanction of Govmt. or by *its people*.

A warm discussion, therefore *recently* took place in Congress, in relation to this subject, in which the *impressions* refered. to were admitted, *as I am informed*. I have not seen the *report* of the discussion, but will procure it, and if *important*, forward it to the Department.

My friends, however, in the city, wisely anticipating the *incorrectness* of *these impressions*, would *nullify* their effects on public opinion, by some well timed article on the subject, and the affair, *has already*, or will *soon*, blow over, and *leave all as before*. I availed of this mornings Post for the Capital, to assure my friend (among some other matters in reply to his letters) that so far from *aid* and *co-operation* on your part, *all overtures*, from beginning to end, had been rejected by your Govmt. This assurance will, I *trust*, be used in such way as to remove all *asperity* of feeling arising from this circumstance, *provided* it be not already done by the judicious management of my friends there, as already intimated.

Meanwhile the Govmt. are sending troops (it is *said* some 3000 to 4000) to strengthen Tampico, thinking *this aid may be too late* to secure Matamoros.

This is the statement I *have*, which I presume is *more or less, correct*, but I have not *yet* had time to investigate the particulars.

I am *myself* of opinion *that* the negotiation to be proposed stands *now* in a favourable position, and so my friend in *Mexico* assures me; and I shall proceed to the city, as soon as possible, *without* my *main object* being known to any body *here* or *in the city*, with perhaps *one exception* in *each place*.

I am now however, in the *Roads*, embargoed by a violent norther, on board my vessel, *whence* I had hoped to have *landed* my *luggage* this morning, but the Gale coming up suddenly, I cannot *escape* until it *abates*, as no boat can attempt to *land* until the sea *subsides*. I hope to Land *tomorrow*, however, and leave next day for the city. This is all I can now communicate, which I *trust* will be satisfactory

so far as it goes to H. E. the President, and also to the Department I have the honor to address.

Rest assured, Sir, I shall continue my best efforts, until I reach, *some result, which*, together with all that may intervene, I will duly communicate. Pardon the haste, with which I have the honor to be, with great respect, Your obt Servant

JAMES TREAT

To the *Hon.*

The SECRETARY OF STATE

Austin

Texas.

WRIGHT TO BRYAN.^a

CITY OF MEXICO *December 7th. 1839*

DEAR SIR

The country is in about the same state of confusion, as when I last wrote you Victory or death is the cry in the war department Texas must be retaken or Mexico will be lost.

A law has been past by both houses authorising the president all power to procure means (make loans) to carry on the war against that Republic.

I have just received word from New Leon that 4,000 troops including several pieces of artillery left that country a few days since for Matamoris. Also that 750 of the citizens of Matamoris^b in favor of Canaliso against the invaders.

DEAR SIR^c

You must not make light of what I write you. It is the truth, and the army now under arms amounts to at least 8,000 men, and will be raised to 15,000. I dislike to write bad News, but as I obtain I hand you as a faithful servant.

The country of Chichuchua the upper or Northern parts of Coahuila and Duranga is left entirely defenceless. East of Rio Bravo in Texas north of Lat 30, no enemy except the Indians and a few reconnoitering Spaniards exist.

Texas has many friends in Mexico. The multitude or rable of Mexico (states) would be half reconciled to the change should all Mexico fall into the hands of the Texians, providing they left alone the Churches. The Intelligent Spaniards and strangers are in a

^a A. L. S.

^b Here something is evidently omitted, but the word is uncertain.

^c This appears to be simply a repetition of the address, due probably to the letter's being written in installments.

measure friends to Texas and many of the heads of this Government are ready to curse their stars and leave for a more tranquil country.

But notwithstanding all this every nerve is strained to strengthen the powers against Texas and nothing but a complete overthrow of the Mexican army will bring them to terms. The first battle will tell the story, and the safety of Texas lays in the management of the first general battle.

I am sorry, very sorry that Texas ever made any conditions with the Federals or Anglo Mexicans; you will find [them] in the end a curse; and my reasons are this; 1st They will never remain loyal to strangers, treachery will ever be found in their ranks; they would aspire to reign over Mexico and should they gain their point, would turn upon Texas with as much fury as the present enemy; I say be careful I like not the movement. Texas was growing strong, Texas was crowding out the mexicans and no need of bringing on them this terrible and furious war Had it not been for this present movement with the federal [party] in Texas mexico would have slept until next summer during which time Texas would have augmented her power and means and Mexico fighting one with the other would have been spending her little strength, and perhaps no invasion would have been made even the following summer, Although preparations are making.

Note you need expect no force by sea.

Please write me and give me some assurance that I will be rewarded for my exersions, as I have been at considerable expense and risk and am poor. If you wish me to remain in this country during the war pleas inform me of the same. Write to me by my proper name to care of Messrs Eliot & Snyder Vera Cruz.

I am

Yours respectfully

(^a)

Note.

I have sent you such papers as I have found worth your notice and shall continue to do so.

Again, do [not] let my land be sold, even if you should have a reasonable offer. With all I see I am not affraid of the little star falling.

To Mr [WILLIAM BRYAN] *Consul*

I would write you more but a friend is just leaving for Vera Cruz by whom I send this package.

[With this letter are filed clippings from *Diario del Gobierno*, December 21, 1839, giving information concerning warlike movements mentioned in the letter.]

^a Signed in cipher.

CAÑEDO TO PAKENHAM.^a

[Copia Confidencial]

PALACIO DEL GOBO. NACIONAL

Mexico 11 Diciembre de 1839.

SEÑOR,

He tenido el honor de recibir la Nota confidencial que V. E. me ha dirigido hoy, recordandome las diversas conversaciones que hemos tenido á consecuencia de las instrucciones que el Gobierno de S. M. B. ha comunicado a V. E. relativamente á la cuestion de Texas.

V. E. se sirve manifestarme su deseo de saber si por fin se ha tomado por este Gobierno alguna resolucion en virtud de las propuestas amistosas que en cumplimiento de sus citadas instrucciones ha hecho; y en contestacion tengo la honra de decirle que los Comisionados de los habitantes de Texas serán oydos por el Gobierno Mexicano, bajo la condicion indispensable de que este no ha de desistir de la Soberania nacional sobre aquel Departamento de la Republica.

Aprovecho con gusto la ocasion de reiterar á V. E. etc.

Firmado,

JUAN DE D. CAÑEDO.

A. S. E.,

El Señor Don RICARDO PAKENHAM

Etc. etc. etc.

A true copy

JAMES W. MOORE

PAKENHAM TO HAMILTON.^bTREAT TO LAMAR.^cCITY OF MEXICO *Decr 12th 1839.—6 P. M.*

SIR,

I beg leave to refer you to my several letters dated at V. Cruz as late as 7th inst, and their enclosures, and also to my advices to the Secy of State, of orgl. and *duplicate*, which will detail *all* up to my departure from V. Cruz. I have *now* the pleasure to enform you, that I arrived

^a December 11, 1839. Inclosed with Hamilton to Burnet, January 5, 1840. Printed in correspondence with Great Britain.

^b December [12], 1839 (extract). See Pakenham to Treat, November 5, 1840. For the whole letter, see Hamilton to Burnet, January 5, 1840, in Correspondence with Great Britain.

^c A. L. S.

here last evening at 5. P. M. and altho' I have not been out of the House to day (being a *high* feast day nothing could be done), I avail of this evenings post, in the Hope of its being in time to go by the U. S. Sloop, Erie, to say, that so far as I have been able to ascertain the state of things here, they *are*, as I anticipated *from V. Cruz*, favourable—that is, no door is *closed* against me, and I have the *field open* as it were. a conference this evening with my Mexican friend (could not be to day on a/c of the celebration of *Our Lady of Guadalupe*) will give me *further* information and point out the course I am to pursue and which you shall know by next [post.] As you will readily infer from my previous advices, I have to manage with much caution and circumspection and this will necessarily produce greater delay than *otherwise* would attend my movements. My hopes *so far* from being diminished, since my arrival here, are strengthened, tho I am *not* in possession of any *important* fact to give me this confidence, but it arises from many circumstances, which *well examined* and *weighed* shew to a careful observer how things stand. You shall hear from me *every other day* until I can come to *some conclusion*.

Pardon haste, and believe me very Respty and
cordially Yours etc

JAMES TREAT.

TREAT TO LAMAR.^a

[Private.]

MEXICO Decr 12th 1839—9. P. M

MY DEAR SIR,

I beg leave to refer you to my hasty lines of 12th. inst, and *now* fulfil my promise of again addressing you, by this evenings post. I beg leave to refer you to the enclosed documents, which you will please have translated by some *confidential* friend, as I have not time myself to hand you a translation, as I should wish, if time permitted. You may infer from the tenor of this *project* of a *Law*, sent to the chambers for its sanction, *how strangely things go here* at the *present moment* in regard to what interests you and your country. This document, *together* with what I have *before said*, will shew you without any *comment* *how delicately* I am situated, and how extremely cautious I am *comeplld.* to be in all my movements. This will prepare you, for *some delay*, as I have already stated. I cannot go into explanations, *now* of the *causes of this state of things*; But, I must take them as *they are*, and make the *most* of them. I have only been here *three days*, but it has been long enough to discover *something* of the *difficulty* of my position, in the fulfilment of your wishes. How to *remove these* so as to *proceed* is my *present*

and *immediate task*. *This done*, I shall entertain some hopes of *accomplishing something*, which I trust will meet your approbation, and that of the country. But, I cannot, my dear sir, consistently with my sense of *duty to yourself*, and your *Govmt. permit* myself, to speak other than *hypothetically*. I only *know* that the courses I have adopted, and shall hereafter *adopt* (If I *have to change* my measures) *are*, and *shall be*, those in my opinion *best* calculated to succeed, or if *unsuccessful*, [I shall] know *precisely why and wherefore* so that your measures may be predicated on certain and unquestionable facts and data. I *hope*, without being *sanguine*. I must of necessity proceed *slow* and cautiously, for I am unwilling to hazard *all at one throw*. I am making progress towards *some* results, which, if successful, will *yet add* to my *hopes*. The first measure failing, I have a *second*, and if *that fails* a *third* and *last*, the failure of neither one of which, shall (If I can prevent it) *effect unfavourably*, the next in course. I feel confident that the events of the next *two weeks* will *throw further* if not *final* light on the subject. I regret that I must *still* leave you in *doubt*, anxious as I know *you to be*, but Sir, I *must* write *thus* until I can see a little further into *futurity*. Be *patient* with me, my dear Sir, and with me *Hope* until you again hear which shall be *soon*. Pardon my letter, its style and manner. I feel as If I was in [the] wrong in not addressing the proper Department, if so, you and the Hon the Secy of State would I know pardon me if you *knew* how I was situated etc

Please present my respects to the members of the Cabinet (at a proper time)-

and believe me cordially and *very anxiously*

Your devoted Servant

JAMES TREAT

TREAT TO HAMILTON.^a

Private and ENTIRELY }
Confidential. }

MEXICO Decr. 16th 1839.

MY DEAR SIR

I arrived here on the 11th inst, evening, but did not receive your favour of 18th ulto (covered to Mr Ellis) until 14th. which was not *important*, as I had the same matter, *in substance*, in your two favours of 5th Novr from Charleston and 20th from N. Orleans.^b I have noticed very particularly all you *say, suggest, and recommend*, and have already told you from Vera Cruz, *that* all your hints and observations should have due attention here when the time arrived to *discuss* the question at issue. You will per-

^a A. L. S.

^b None of the three mentioned has been found.

ceive by my letter to you from V. Cruz dated 6th and 7th inst how *matters* then stood, so far as I could *then* understand them, and I referd you to my several despatches to the *Secy of State*, and to *Gen Lamar* (the *former semi* official, and the latter *private*) for all the *details* of the position of things as I *then* could understand them. From *these* papers, you will perceive the difficulties *which momentarily* (at least) surround *me* and the *accomplishment* of my objects, and at *same time* you will find *enough* to hang a *hope* (upon) that all *these, might be* overcome, as much as to say, *I have hopes*, which can neither be *confirmed* nor *destroyed*, until I reach Mexico, and see *how* the "*Land lies*" I am *now* here four days and understand something of the difficulties, *real* and *bona fide* which I have to remove in order to begin fairly. I have addressd two letters to Gen. Lamar since my arrival *here*; say 12th and 14th^a inst, one, I hope will *reach* the Erie (Sloop of War) and the other, a *private* Vessel for New Orleans. *Should* you be in *New Orleans* on your return from Texas, and find them, or either of them, in the hands of Dr. *James Ritchie*, it has occurrd to me *that* you might *feel* authorized to open them, or you *might* be *expressly* authorized to *open* see their contents and forward. Be this as it may, I now propose to give you [such] a view of the present *posture* of affairs here, as regards my (*prospects* of) success, as *may* enable you to be governed in *your* movements *accordingly*. I told you *verbally*, and repeated it in my Vera Cruz letter, that *my* opinion *was* and *still is* that you should *not* leave N. Orleans for the *North*, to return to *Europe* until you knew the *result* of my *mission*, by letters *from*, or interview *with* me. This, opinion is based upon the *supposition* that whether I *fail* or *succeed* you and the Govnt of Texas ought to *know* it *before* your departure for England, *unless* *indeed* there should be *something urgent*—in *that* case letters or a *messenger* could follow you. Your operations, in my humble opinion, might be *changed*, the views of the Govmt might be altered, a larger amt. than *your present* authority \$5,000,000, might be requisite, especially if I should have the *good fortune* to close an *arrangement*. You will have seen that the movement of *Ross* and his *party*,^b with *other volunteers*, to which they *attribute* the success of the *federalists*, and the surrender of the troops in or near *Mier*, (some 600 men) have produced much *excitement* on the part of the Govmt as well as in the public mind. The Govmt. having taken all the measures, in *their* power, have calld on *Congress* for *special powers* to levy taxes to support the *war* against Texas, and to *re-unite* that *department* to the national union, etc. etc. etc. Not satisfied

^a Both dated the 12th, but the one written at "9. P. M." should probably have had a later date.

^b See reference to this in Hamilton to Pakenham, January 2, 1840, inclosed with Hamilton to Burnet, January 5, 1840, in Correspondence with Great Britain.

with this measure initiated in Congress, and without waiting for the action of that body, another *project of Law* is sent down by the *Secretary of War* (Sr. Almonte) declaring it treason against the state for any one "to write act or speak in favour of the views and intentions of the *Texans*; or in favour of the views of any foreign power having for its object to dismember the territory of Mexico etc. The *Executive* is not of the same mind two days in succession, on any important matter. The cabinet often divided in opinion and action. The counsel of Govmt. often at war with the views and wishes of the President and his advisers, and the Govmt. often in a minority in congress, even in their favourite measures, and when they make the greatest efforts. The Secy of War, who acts with the President and one of his colleagues are compromitted before the Public with the initiatory measures above cited and everything, is unhinged and unsettled, the two great parties in congress, opposing each other in all important measures—one in *Pro* and the other in *contra* of the cabinet. Under these circumstances one would suppose that nothing could be accomplished, at the moment, nor even undertaken with the slightest hope of success. But I have (always) found, that to know exactly, the difficulties or ones position, is to approximate to their removal. So I am at work. I could not throw off my incognito (which I have managed to preserve until now) because this would compel the Govmt. to act, and to expel me (probably) in order to act consistently with their existing and pending measures; and because the Press and the public would cry aloud; and the Govmt. would be charged, with the privy of my being here, and suspected of selling Texas, etc. etc. I could not approach Mr Packenham, with, Gen Dunlap's letter introducing me officially because 1st. I understand from good authority that three times he has verbally appealed to the Govmt. that is to two or more of the ministers, offering the mediation, of his Govmt. and has met with a sort of negative, or with indifference (at least) on the subject; saying, that until the congress had disposed of the measures recommended by the Executive, thro' the Secy of War, they must decline any acceptance of mediation, and 2d. I have not approached Mr Packenham, because I am of opinion (from all I can learn) that other measures which are now in progress promise the greatest prospect of success; and until they fail, I shall hold in reserve the co-operation of Mr Packenham. There are also other, and cogent reasons for this which I cannot now enter upon, (even were it proper) for want of time and room. Again I could not or would not sound Mr. Ellis, tho' I have seen him, and by the letters I sent him up from V. Cruz he must know my object. Yet I have not [ex]changed a word with him nor will I unless he approaches me, and then, even, I must be cautious. Now, none of these

things could I do, or attempt to do, without risking too much on one throw and hazarding the better prospect of other preliminary measures, which, tho' they fail, would not destroy the chances of the other steps, or measures which I have for the present only deferred. This is about all I can say, for it would be improper to detail too much. Suffice it to say that my first effort has been and is, to destroy, or neutralize, the two measures of the Govmt. (the two Initiatives), The first asking for ways and means to, bring Texas into the Union, (That is, go to war with Texas) and the second, is declaring it treason etc. to speak write, or act etc.* If I can cause these projects to be rejected by the Deputies, the Govmt. will perceive that its views are not supported by the chamber, and then will change their ground (probably) and can be approached. And here I must explain what I have omitted in its proper place that you will comprehend the whole ground. The first initiative referred to has two counts—1st, The Govmt. asks for ways and means to carry on the war as above, and the second count asks congress for authority to adopt all necessary measures, Political and military. This word political (in the original Politico-militar), it is believed, is intended, by the Govt. to mean authority to negotiate; That is to say, the Govmt. has asked congress for means to carry on the war and at same time to negotiate. The expression, politico, is indeed very narrow, To base authority to negotiate, either for a sale, session, or recognition; but this is one way of doing things here, as they can amplify and interpret anything to suit their views. With this explanation, you have the whole proposition of the Govmt. to congress. Tomorrow I may be able to add the report of the Committee on both points; tho' not the final action of the House. Now, the Govmt. has been induced to ask for the second power (to negotiate) from one of two causes—viz. 1st. in consequence of Mr. Packenhams repeated proffer of mediation, which has been constantly declined (at least until the result of the action of the chamber should be known etc) or 2d. in consequence of some of the members of the cabinet having been approached on the subject of re-cognition, limits and compensation, by my direction, and thro' my friends here, before and since my arrival. One or both of these motives have induced the Govmt. to ask for powers to carry on the war, or make a peace, as we will call it, for shortness and clearness. The responsibility is thus thrown on congress, and in any event, the President and Govmt. will escape censure. If the chambers refuse the supplies the Govmt. will say we asked and urged the ways and means; congress refused them; we have done our duty—theirs is the blame. If they refuse the powers political (or to negotiate), the Govmt. will say, we asked for both, powers to make war or peace. Congress would grant neither. Now the Govmt. has done its duty,

* See the reference to Almonte's measure in this letter, above.

let congress *dispose* of the whole *question* etc. etc. as it pleases. So you will perceive *that* the Govmt. are *afraid* to move *any negotiation* having for *object* a *recognition* or an agreement in consequence of their *weakness* and *unpopularity*, as the *opposition* in and out of congress, would *pounce* on the Govmt. and try to make it a *pretext* for the *President* to *change* his cabinet or *produce* a *revolution*. But if congress (the *Deputies*) *throw* out the *whole matter*, or so *modify* and *hamper* the views of the Govmt. as to render the measures a *nullity* (which is probable and so I *hope*) *then* the *whole matter* under consideration is *given up*, and the field is *open*, and a resolution may *emanate* from the *chambers* and be adopted by the Senate giving *full* and *clear* powers to the Govmt. sufficient to enable Govmt. to *negotiate* and *close*, an arrangement. The Govmt. *then* may be induced to *listen* to me, or to my *propositions* for *peace* and *recognition*, without the responsibility which would otherwise attach to *them*, and if we can *agree* and the arrangement falls *within* the *scope* of the powers conferrd. by *Congress* on the *Govmt.* the *matter* can be *closed* without any *further legislative action* *here*; I will, only *require* the *ratification* in *due form* of the authorities of *Texas*, to be *binding* on both Govmts. Altho' the *exchange* may be *delayed* until the *pecuniary stipulation* is *fulfilld* by *Texas*, *say soon*.^a

These, my dear Sir, are *some* (not all) the *difficulties* which surround us, and compel me to adopt a *prudent* and *cautious course*, not to *risk all* on the *main question*, at the *first, start*, reserve a *shot* or *two* in the *locker*, so that my *first defeat* shall not be exactly *final*. The ground I occupy and the course I am now *preliminarily pursuing* is to see how the *question stands*, and confirm by *further observation* how far I am *right*, and if I have to *change* my ground, or modify my *measures* or *not*. I think I *hear* you say (and also our friend Love, who I suppose may be with you in *N. Orleans*) *well*, you have a *hard row* to *hoe*; so *hard* that you *never* will get through. You have *undertaken* too *much* and I have no hopes of any favourable result etc. To this I *reply* *that I am here*. I *know* my friends, and they are *active* in their steps, and I *hope* something will come out *at last*. I must *judge* and *act* for *myself*, with all the *light* and *aid* I can *borrow*, move *cautiously* and do my *best*. I have given you here *only* a *sketch* of the *state of things*, omitting the measures I have *already*, and am now *hourly* taking to *secure* my *ends*. *Time* is *essential*, tho' not a *moment* shall be *lost*. You must be *patient* and *await* the *result*. In a *week* I can I think *further report* (and I *hope* favourable) *progress*. But *formidable obstacles* must be *overcome* by *conviction* and *persuasion*. I trust you will *understand* me. There are *only two ways* *here*.

^a The last two words are obliterated in the original and are supplied from the copy in Records of Department of State (Texas), Book 41, p. 399.

DECR. 17TH.—TUESDAY 6 P M

Important business and the storm has *detained* me, and I am *left* with only an hour's time before the mail. I have glanced over the *two sheets* enclosed which must suffice. I would have copied them, but have no time. I am compelled to write *when I can*, and *as I can*, out of my own Hotel. You must therefore *excuse* all, and see if you can make *it out* and *understand* it. I have extended my remarks so much further than I had intended *that* I have to request that after *perusal* you will send it to the Govmt. *That is, the President*, if you *think best*, or if not the *Secy* of State. I say this because I presume a careful perusal, will be all *you want* and it is *too long to copy*. Therefore, please forward it, *as above*, with your *remarks*. I will address it to you absent to *Col Love*, so that should you be absent *Col Love* will copy it, or that *part* of it which he may deem *important* and then send you the *original*, or place it in the Hands of *Jas. Reed*. No time for more.

I am Yours Very cordially

J. TREAT

P. S. Col JAMES LOVE

DR. SIR

If this should reach your hands consider as for you. I cannot write much now for a thousand *reasons*. If Gen H is there, you and he will *decide* whether *it*, or its *substance* is worth transmitting. If Gen H is *not* there, you will act as you may think proper, *always* giving Gen H the *original*, or placing it under cover to Reed & Co., James Reed. This will be *enclosed* to Dr *James Ritchie*. My last two letters to the President are *short* and do not contain so much *detail*. I *am* this moment *informed*. that the Govmt have received an Express informing them that Matamoras has fallen to the federals, and Tampico threatned. My affairs have moved *well to day*.

Truly and ever

J TR

TREAT TO LOVE.^a

TREAT TO LAMAR.^b

[Duplicate.]

Confidential.

MEXICO December 20th. 1839

MY DEAR SIR,

I beg leave to refer you to my two last respects of 12th and 14th instant,^c duplicates of which, you have herewith. Under date of

^a December 17, 1839. See Treat to Hamilton, December 16, 1839.
^b In Treat's handwriting.^c See note ^a, p. 508.

16th. and 17th inst, I was about addressing (you) another communication, giving some details of the state of things, and my own movements etc, when, I found by my last advices from Gen. Hamilton; and also from Col Love, that the former expected to be in N. Orleans again on his return from Texas, about the 20th inst., and the latter named the same period for his visit to New Orleans, both soliciting my advices, and especially Gen H. who might be on his way to Europe, possibly without knowing anything of my progress since leaving V. Cruz. Under these circumstances, and conceiving it very important for Gen H. to know the exact position of my mission as near as I could give him particulars I resolved to write him at length, which I have done, but under circumstances in which I could not preserve a copy without missing a mail, which would have been to miss the vessel at V. Cruz, which was to convey it to N. Orleans. I cannot, therefore, furnish you with a copy; but I have addressed the despatch to Gen. Hamilton, *absent*, Col. Love, and directed Dr. Ritchie accordingly. I have requested *both* (whichever might receive it) to copy *that part* of said letter which they might consider important either to yourself or the Hon. the Secy of State, or to send the *original*, after perusal, that yourself might add the contents of *this* dispatch to Gen. Hamilton, to my former two advices, *in copy herewith*, so that up to 17th. *evening*, you will know all I could safely communicate. All I can therefore do is to refer (you) to said letter, not doubting that my said letter to Gen Hamilton will find its way to the Govmt. either in copy, or original. I will then suppose you in possession of said letter, and my other two, being all I have written from this City, and proceed on in my narrative, so far as I can speak of facts, and as may be necessary for Y. E. to understand the subject generally. The special committee referd. to in my last letter, reported against the powers *politico-militares*, and especially the former branch of said powers, and altho they authorized the Govmt. to proceed with the projected expedition, it was under the ordinary and constitutional powers of the Govmt. And instead of reporting *ways and means* promptly and abundantly, they recommended measures that would give the Govmt. some \$250 to 300,000 Dolls and could not be collected (if at all) in less than *three* to 4 months. This report of the Committee was opened for discussion on the 17th. and at the close of the Hour, the House adjourned, after calling on the Secretary of War, Mr *Almonte*, to be present the *next* day to explain the views of Govmt. as involved *by the initiative*, and on the 18th the Minister appeared *in his place*. *December 21st*. The discussion commenced, and the Secy of War, Gen. Almonte, defended the course of the Govmt. Endeavoured to shew, the importance, the urgent necessity of taking immediate and active measures against Texas. That the Govmt. had done, *preliminarily*, all its means and powers had

enabled it to do, and *now* [wished] to carry out their views to some favourable result and prevent the evils that would otherwise ensue, etc etc etc. The Executive calld. on Congress to give him the powers askd. for, and the means (pecuniary) to carry out his policy. His remarks, which I heard, were very common place, and the general opinion was that during the whole discussion, he acquitted himself very indifferently. This, especially, was *my own opinion*. He was repeatedly asked, *what* were the measures contemplated by the Govemt. *military* or *political*; but declined, *as often*, to throw any light on the subject; *remarking* that to state to the chambers the plans of Govmt. as regards Texas would be to say to *the Texans*, "We are going to proceed against you, *thus and so*; therefore, prepare yourselves, etc etc etc etc This discussion was not *general*, but confined (with one exception) to the *three* members of the Special Committee, who had sent in their report *against* the *initiative* of Govmt. as already explained. These Gentlemen (and especially a *Priest* who is President of the Chambers, (*Speaker of the House*)) defended their report, spoke with great freedom, complained of the Secy of War and the Govmt. who came down with their request for special powers and means, but refused to state *how* they were to use them. The speaker made the *closing speech*, *lashed* the Secy of War and the Govmt. very cleverly, spoke till the Hour had expired, and then adjourned the House, thus preventing Genl. Almonte from replying until the next day, 19th. when the House opened and the Secy *took the floor*. He had, on the day previous assumed a tone of importance, Handled one of the members *uncourteously* (to say the least) and treated the House, *as I thought*, disrespectfully. On the 19th. he appeared differently, and was quite modest and mild in his carriage and his Language, and instead of replying to the Speakers closing speech against him, he commenced by re-iterating his views and those of his Gormt., attaching vast importance to immediate action, and cited authorities and precedents to shew that similar powers had been asked for and granted by Congress on occasions of much less magnitude than the present, etc etc etc. To which the Committee (two of them) replied *at length and I thought, triumphantly*; destroying the precedent cited, and pointing out the enormous evils and abuses which had grown out of said powers. one speaker (of the committee) said, *in substance*: As regards the *naked* question of restoring Texas to the Union etc there was probably but one opinion in the House, *but* of what use was even *that unanimity*, unless some one could state *where* the means was to *come from*? whether *this* was the proper time to *undertake* so difficult an enterprize? and what were the prospects of final success. The Committee could not see where the means were to come from. The Govmt. and the Secretary had been calld upon by the Committee, *before* they had reported, and could obtain no light.

Hence their report, now under consideration, against the powers asked for. Before I proceed to the result of that day, the 19th. I will remark briefly; that thus far, no member had taken the floor to support the views of Govmt. nor those of the Secretary. The three members of the Committee supported their report, and one member (the only other one who said a word thus far) opposed the secretary's views, but not on the same grounds as the committee, who acted together. While Gen. Almonte replied by repeating what he had before said, with much greater earnestness than force, and concluded by expressing a wish that the House would return to the Committee their Report with instructions to report a bill in conformity with the project of the Govmt. that would give them, the Govmt, ample means, and such as could be realized promptly, to carry on their plans; in which case the Govmt. would hold itself responsible—otherwise, the chambers would have to assume that responsibility, as regards the public; and also, all its fatal consequences etc etc. In this stage of the matter, the committee consulted, and seeing that there was too much of long shot in the struggle, and wishing to bring the question home at once to the House, one of them stated that there were reasons which he had not given why this matter should be discussd. on broader principles than those, merely involved in their report and that he might explain, at full length, those reasons, and his own views, he moved that the discussion be continued, with closed doors, and pennd. his resolution, to which there were some objections offerd. by two or three members, who had thus far been silent; but these seemed to be as to the form or the rules of the House, etc. and not to the resolution itself. The proposition was modified and altered, and still objected to, when the President (Speaker) decided the resolution to be in order, and the Galleries were cleared at once. And here Sir, I must suspend my report (so far as this dispatch is concerned which I propose to send this evenings post) because I am not fully advised of the proceedings after closing doors on the 19th, nor of what transpired yesterday; and much less, the result of today. This will be given in my next dispatch, when I shall know all that occurrd, and probably some result, all which shall be promptly communicated, so far as my letters are concerned; for all I can do is to write often and transmit my letters to my faithful and intelligent friend in Vera-Cruz, to be forwarded by the most available opportunities, either direct or indirect. I have to regret (and very much) that since my arrival at V. Cruz there has been only two opportunities to convey my advices to you: The Sloop of War Erie, and the Brig Frances Ashbey; former for Balize, or Pensacola, via Tampico, and sailed 14th inst; and latter, to sail on the 23d. inst for N. Orleans; so that this communication, will not reach her, but must take its chance. I have thought it expedient not to use the channel, via Tampico, for I

do *not* consider it, in any degree *safe*. I wish my dear Sir, I could give you something *more positive*; more satisfactory, more conclusive, or even more *indicative* of *final results*. But I do *all* I can, when I inform you of all the movements *here thus far*; or at *least*, all that I *can* with *propriety* now communicate. Let me secure the *preliminary vantage ground* I am thus far contending for; and I will *then perhaps* be more *explicit*. 21st. 8 P. M. As much from indisposition as from want of time, I cannot extend my remarks *much*; but will try to fill my last *page* Gen Hamilton, among other matters, urges me to confine *my whole efforts* to obtain the mediation of *G. Britain*, and *merely stipulate* that negotiations shall be forthwith opened in London, under the *above* mediation, having for object *peace, recognition, indemnity* etc etc. You will see what I have said to the General *in my letter*, on receiving it. There are serious objections to the adoption of this recommendation. I have therefore not delivered Gen. Dunlaps letter of introduction, which *discloses* my *character*. Gen. H. informs me that he addressd. him *direct*, and told him I would call and confer with him *confidentially*. *This was very well*, but I have to *regret* that Gen H did not *enclose* these letters to *me*, and *send me copies*; that *I might judge* when to deliver them and know *how far to go with Mr Packenham*. *Then the Cabinet* would not have been *hampered with reiterated proffers* etc etc. *Then I could have followed my own course*, undisturbed by Mr P. If I *failed*, I could *then* approach Mr P. with the *same and greater* claims on his intercession or intervention.

This I shall do *yet* if necessary. Things this evening look *very fair*.

Respectfully Your Obt. Servant

Signd.

JAMES TREAT

To Gen. M B. LAMAR }
Texas. }

LAMAR TO PALMERSTON.^a

[Letter of credence for James Hamilton as confidential agent of Texas to treat with Mexico, through the mediation of Great Britain for peace and the establishment of boundaries between Mexico and Texas.]

COMMISSION OF HAMILTON TO TREAT WITH HOLDERS OF MEXICAN BONDS.^b

^a December 21, 1839. Transmitted with Burnet to Hamilton December 21, 1839.

^b December 21, 1839. See Correspondence with Great Britain.

COMMISSION OF HAMILTON TO TREAT WITH MEXICO.^a

[Hamilton is appointed a commissioner on the part of Texas to negotiate a treaty of amity, peace, and boundaries between Mexico and Texas.]

BURNET TO HAMILTON.

DEPARTMENT OF STATE

Austin December 23rd 1839.

Genl. JAMES HAMILTON,
SIR,

I have the honor to enclose you a commission as Commissioner on the part of the Republic of Texas to treat with any commissioner etc on the part of Mexico for the restoration of peace between the two Republics, etc.

In transmitting this document I have pleasure in professing the unlimited confidence which the President and this Government entertain in your ability and inflexible disposition, so to manage the very delicate and important trust committed to you, as will in no wise involve the honor, or impair the interests of Texas. It would be impossible to frame instructions on every point that may arise in the progress of the negotiation, should any be commenced, without perhaps conflicting with some unforeseen contingency, imposing restraints in small matters and prejudicing interests of a more important character. Time also inhibits me from detailing, and I will merely refer you to the accompanying copies of letters heretofore addressed to Mr. J. T.^b on the same subject. From these you will ascertain the view of this Government, and will I am persuaded as far as practicable carry them out.

With great consideration and sincere wishes for your success and happiness,

I have the honor to be
Your obedient Servant

DAVID G BURNET
Acting Secretary of State.

[With this were transmitted copies of the instructions to Treat; ^c the commission of Hamilton to enter into an agreement with British holders of Mexican bonds, December 21, 1839; a letter of credence

^a December 23, 1839. Transmitted with Burnet to Hamilton December 23, 1839.

^b James Treat.

^c These must have included the two letters of Burnet to Treat dated respectively August 9 and August 19, 1839.

from Lamar to Palmerston, December 21, 1839, accrediting Hamilton as the agent of Texas to treat with Mexico, through the mediation of Great Britain for peace and the fixing of boundaries; and a commission for this purpose, December 23, 1839.^a]

WRIGHT TO MERLE.^b

WRIGHT TO BRYAN.^c

MEXICO CITY Dec 25th. 1839

To Mr WM. BRYAN, *Consul of Texas*

DEAR SIR

Since last I wrote this country has remained much the same, every exertion has been made to increase the army in order to subdue the *Rio Grand Rebels* and Texians. I know not how It is that an alliance has been made between the Federals and Texians, but sometimes think that the Texians who are with Canales Zapata etc have gained the Federals upon their own responsibility, but let this be as it may, The Government of Mexico seems to be convinced that the Government of Texas has an active part in the invasion of Mexico, and will strain every nerve to retake that colony. Since my last dates Congress has voted a bill of loan or invested the President [with power] to raise five hundred thousand per month during the Texian war (by what means I know not).

I believe It is now certain that the Federals and Texians are in possession of Matamoris, that Rhenocero above that has fallen liquise into their hands and the French minister informed me yesterday that the Federal or Texian army was forty miles this side Matamores on their way to Tampico. I think you may rely on this as matter of fact, although the Government party here are as quiet about it as can be possible.

General Arista, is raising his voice in the country of Zacatecas and around that country with the most pathetic strains possible but had not on my last accounts been very successfull. I think from what I can learn that the whole Mexican army on the frontier states have not amounted as yet to 8,000 men having fallen short nearly have^d their calculation. However every thing is doing that can be done.

I told you some time since that an expected revolution was expected, and I now repeat that it is supposed to be now at the very point of eruption.

^a These commissions and letters of credence are printed in their proper places as independent communications, not as inclosures.

^b December 25, 1839. See Wright to Bryan, December 25, 1839.

^c A. L. S.

^d Half.

Bustamente appears to be good a man, but he is short of.^a Too slow to punish the averred Robbers that infest the country. Too negligent to reward the good. Had he the energy and penetration of Santa Ana combined with his goodness of heart, he would be able to do much good in the moralizing of Mexico.

Bustamenta it is now learned will not take the command of the army. General Arista is to have the honour. he is said to be a fine officer (Arista) though I am told he learned his trade in Cincinnati Ohio, not of fighting but the sadlery business.

Poor Filasola, when I see him I have to laugh—thinking of the burlesk written of him and Santa Ana making them escape from San Jasinto on a log. But he is a fine old fellow no doubt at least strangers speak well of him; he is General in Command here and when a friend asks him what of Texas, he will shake his head, screw up his shoulders and say "*My Friend Texas is lost to Mexico we will never be able to retake it.*"

I think since the last unfavourable accounts that the Centrals have lowered much in their sanguine hopes of victory, and some may be seen muffled up in their mormans cloaks (of *twelve* yards of cloth) with faces hanging down as long as the moss of a Mississippi cypress.

Santa Ana to the joy of strangers and to the regret of fools was supposed to have quit the world, and gone to Texas or some other good world where he would have received his just reward for all his rascality numerous as the stars and mountain high that he has been guilty of during the last 40 years. But he has recovered of the dysentery, and is brewing some infernal schemes; he is soon expected at this city as general dictator of ways and means, and [will] take the reigns of Government into his own hands, and then like the Tripple Headed Potentate of Hell (of Rome) grasp to himself regardless of shame or pity the little wealth of good remaining to this almost sinking country. This character here a God! It is as black with crime as the accursed fiend himself!

DEAR SR

I must beg pardon. I am not in the habit of breaking out in such unbecoming strains, but I beheld before me so much misery caused by this man, his treachery, hypocrisy and ambitious views, his depredations and his want of mercy, of pity of shame accused traitor to honor, to hospitality indebted to a people for his life who has since endeavoured to destroy.

Who saved him from the wrath of the texians when a prisoner? who fed him? who watched the movements of those who would have poisoned him? who waited on him like a brother? Look at the attention of Col Bee for this more than monster in the shape of man

^a Here the writer inadvertently omitted some word or words.

setting aside the many others that treated him as an honourable prisoner of war.

Yet he was the first to declare war, the first to order Col Bee back from whence he came, when Genl Victoria and others would have been reconciled to a reconciliation between the two countries.

I conclude dear Sir these remarks by informing you that I have but little doubt if the Federals mark their cards aright but that they will gain their point and then I have no doubt but Texas will be declared free and recognized

Please write me and inform me what the war department is doing, that I may not be entirely in the dark

I am Dear Sir your very devoted friend and servant

Mr Wm. BRYAN Eqr.

Note you may expect by my next to hear of a change. Write me to this city to care of Eliot & Snyder Vera Cruz, who will remit the same

Mr. J. Merrile^b pleas be so good as to send this to Mr Bryan Consal and oblige yours respectfully, but be so kind as not to send this by any one who might be careless or neglectfull in despatching the same

From yours etc

MEXICO CITY 25 Dec 1839.

WRIGHT TO BRYAN.^c

CITY OF MEXICO Dec 27th. 1839

DEAR SIR.

In my letter of the 25th Inst I wrote you that Matamores had been taken by the Federals and Texians. But an express came here to day to the Secretary of War bringing information that Genl Canalisso had driven off the besiegers, and that General Arista had not arived when this took place. This account having arived by express it is presumable is correct, you will however be informed of the truth of this before this letter can reach you.

At heart Mexico is determined to show the Texians fight, let the consequence be what it may.

I am afraid to hold out encouragement, to you owing to my being uncertain as to the feelings of the people at large, and shall only inform you that 2/3rds of the strangers here would be glad to see the country

^a The signature is in cipher.

^b Merle.

^c A. L. S.

in the hands of the Texians. The people on Rio Grand are much divided in opinion, much of their patriotism is lost for the *patria* and [they] think that they would live just as well under the Federal Government or Texian as they do now under the Central Government.

I repeat what I wrote the other day that the Mexican Government is thunder struck at the poor turn out of the patriots, and the slow augmentation of the army. General Arista, and General Reyes and others are appealing to the people in the most patriotic strains to rally to the standard of war, in order to save the country from the traitors, pirates rebels and savages whose sole aim (they say) "are to rob you of your wives your children, lay waste your Farms, burn and destroy your property, change your laws, in fine enslave you like they would the black man."

I might translate you pages of the like proclamations. But it would be a waste of time, and be but little benefit to you or yours.

We still await a revolution. It would I presume be favourable

I have conversed with many indirectly even among the members of Congress, and some there are sorry very sorry that Texas could not have been recognized for the good of the country instead of this expensive war. Even in the very hall I heard it thundered from the bench "Why in the name of God could there not have been something done e're this for the pacification or subjection of that colony!" Again was said by the same speaker, "I have no faith in those renegade Federals. Federal, did I say? They deserve the name not of Federals, but that of traitors, black as the ruined fiends of hell do I view these accursed bands of Zapata Canalis, and [with] Rey ^a *Jesus Christ* at their head am of opinion that nothing good could procede from them." It was plainly evident that he was a friend to Texas, etc.

Again Dear

You will excuse my following propositions.

1st. I would propose that a proclamation should be drawn by the head department of ^b declaring to the people of Mexico that neither their religion nor their churches in case of invasion should be molested farther then for the essential good and happiness of the people;

2nd. That all prisoners of war would be treated with humanity, and that all who wished to take side with ^c would be received with open arms, and assure them that nothing like slavery should exist in the country. And that every pains would be taken to estab-

^a Meaning King.

^b This word is written in cipher.

^c The word in cipher is the same as above.

lish schools and factories by which they would be able to live happy and learn to read. Something of this kind would have an effect far beyond anything you could expect. The same might by yourself be remitted to me, I am cap[ab]le to have [it] distributed in a far short[er] time throughout the Republic.

I must conclude this with haste as a gentleman for Havana is waiting. I am out of all patiance and do not [know] what to think. I have never receivd. a word from you although I have, [written] by every opportunity. I have been as active as my means and health would admit of. What have I not undergone, what have I not risk[ed] in a country of enemies, have I not scowered the whole Comanche world, have I not appeared like the evil one in a thousand differnt places in this bandit country. And for all this, what is my prospect A prision in this accursed country, without means or friends to fee a lawyer to get me out. Dear Sir I do not complain but I am in the dark I am even not convinced that I am even known by the Republic. I could do much good had I sufficient funds and authority Yes Sir had I the authority of Col Bee, I should watch my opportunity in case of change in this Government and some favourable moment ask for a Recognition of the Republic without fear of being disapointed. The people have nothing to say here A few say and do all, and these few are half convinced that a recognition would be for the best. I do not pretend that I am as capable as many others for the above mentioned, but where is there a man who will come here risking his life as I have done, and I can assure [you] that the danger is not small. The Government has published again and again latterly that every man would be considered a traitor who gave any accounts directly or indirectly to strange or foreign nations or to the enemy.

But setting all aside you may rely on my fidelity and all I ask is that my letters may be answered in a proper way. If my services are acceptable inform me of the same, if not dismiss my services, and I will return from the field.

Note

A runaway Mexican from Texas has brought word that Nacogdoches had been taken by the Cadoes, Cherekees and Choctawes and that 30 Texians had been murdered lately near Behar (San Antonio) by the Comanches leaving not one to take home the unfortunate news of their deaths. I cannot vouch for its truth.

I am Mr. Bryan your very obedient Servant

To WM. BRYAN Esqr

New Orleans

^a The signature is in cipher.

TREAT TO LAMAR.^a

Private. Duplicate.

CITY OF MEXICO, Decr. 31st. 1839.

Tuesday A. M.

MY DEAR SIR.

Since my last respects of [20th] instant, to which I beg reference, we had a *continued Holiday*, (which, I think I have already mentioned, as a *week's lost time*, for all *public matters*) as no *current business* of any kind is transacted, and many of the *Public Men* leave the city for the country. It is now *almost over* (thank fortune) and on Thursday next, 2d. Jany. everything will resume its *usual course*, and progress be made on the part of Congress. Neither *myself*, nor my *friends*, have been Idle during this interval of *public business*, and I am happy to say, I have made some progress in my affairs. I have, in my former communications, given you sufficient evidence of the *Up Hill Job* I have in hands, and I will say no more *on this point*, lest you should think the difficulties *unsurmountable*, and hence, *infer* that I can *bring nothing about*. It will be time enough to go into *further details*, when I have the pleasure of taking you *by the hand*. My last advices left Congress in *Secret Session*, which continued for 3 or 4 days. The Secy. of War, *enforcing* the claims and desires of the Executive, as regards the *powers*, and ways *and means*, involved in the *project* sent down to the Chambers; and of *course* opposing the *Report* of the *Committee*, which *refused* said powers. To support all which, the *Hon Secy* made use of arguments based upon *his own mere assertions*, and which he *vouched for* as *facts* which I cannot now repeat, but *which*, if known, would excite a feeling of *disgust* and surprise, *very difficult for me* to describe.

On the *other hand*, the *Committee*, and others who acted *with* them and *against* the Secretary, insisted upon it; *That this* was not the time to attempt to raise ways *and means* to undertake a *new campaign against Texas*. *That* the wants of Govmt. for *other purposes* greatly exceeded *its means*; and *that* the *true question* was whether *this* was not *rather* the *time* for some *amicable arrangement*,—some *negotiation* which would redound more to the interests of Mexico than to *oppress* the people for *Means* to *commence* what would *probably never* be carried to an *issue*. *Here* you see, was a *direct issue* of opinions, brought about purposely by *my movements*. Enough was of course *said* to *shew* that *overtures* were *now*, or *might soon be*, *pending* on the *part of Texas* somewhere for a *friendly arrangement* honorable and advantageous to *Mexico*. The *Question*, however *before the House* was on the reception of the *Report* of the *Committee*, which was decided in the *Negative*; so the *Report* was

returnd to the Committee for *revision*. That Committee will *adopt* one of *two* courses. 1st. Let that subject *die on their hands*, and make no *further* report (as is common here) and, in that case, a resolution will be offerd. from some *other quarter*, *authorizing the Govmt.* to negotiate such an arrangement of peace and Recognition with Texas as in its opinion is conformable to the honor and interests of the Country (or something *tantamount*, but in their *own ambiguous style*)—or 2dly. The said Committee, if it sends in an *amended report*, will *add* this Resolution (or something equivalent) *to it*, and in *either case* the sense of the Chambers will be known. We *hope* for a *majority* on this question, when it *does* come up, but as we are gaining ground *every day*, we do not like to *accelerate* the vote *too much*. We feel almost *sure* in the *Senate now*, and If we can, get the authorization *from the House*, there is little doubt but the Government will embrace the *negotiations thus* opened by Congress, and the responsibility of *action thereon* thrown upon the *Executive*. This *course* was deemd. not only *necessary* but decidedly the *best*, as it was well Known that the Executive and Cabinet, would never *move originally* on this *question*. But it seems *morally certain* that the *Initiatory* being taken by Congress, the *Executive* will *act*. Another advantage in this *course* is that, managed in *this way*, there is no *ratification* necessary on the part of Congress, of the *doings* of the *Executive*; which, being *within* the Sphere of the *authorization* of Congress (and for this purpose it will be ample) *is final*, and can be kept a secret during the *pendency* of the question, and longer if desirable. I trust, I have said enough to convince you that my *first step* (under all the circumstances) has been a safe and judicious one.

Should you doubt however, I can, I think, on a more *full* view of the whole ground, satisfy you that it *was* my *best course*. Perhaps, however, we shall not *try* the *main question* until we are *morally sure* of the result in our favor. If *we fail*, I shall then approach the Govmt. *direct*, and make all the impression I *can* on *them*, which will not be *small*, after *all* that has passed on the subject, and which of *course* I cannot *now* relate. If I find the aid of Mr. Packenham desirable or necessary I will invoke it *at once*, for *thus far* I have not seen him, nor am I aware that *he knows* I am in the city; tho', I am rather inclined to think *he does*, from Gen. Hamilton's letters to him, and the *almost* consequent inquiries he would naturally make *concerning me*. I have abstained from seeing *Mr. Packenham* until *now*; 1st Because I am advised that his profferd. mediation of England in the affairs of *Mexico and Texas* has *not* been definitively acted on by this Govmt, which awaits the final action of Congress to reply to Mr. Packenham. 2d. I am afraid that if Mr Packenham, assumes his *mediatorial action here*, or even his *good offices* are in-

voked by *both* parties, the question of *Texas* Quota of the *Public Debt* would be brought up and produce Embarrassment and delay, if nothing worse. 3d. I have not *yet* ascertained, to my *entire satisfaction*, what *were* the *conditions* on which the *Old English Bonds* were converted into *new ones*; *that is*, whether Mexico is bound by this *new arrangement* to pay to the *Bondholders* the proceeds of any Sale or cession of Texas?

This doubt, I have found *great difficulty* in *Solving*, as the *decree* of *Congress* authorizing it was *general* and *plenary* under which *Govmt.* acted, and the *proceedings* have *never* seen the *light* here. I have *now taken* sufficient measures to *know all I desire* on this head.

When I *know*, I shall be *governed accordingly*, as the issue of this question, (if it should appear that the *Bondholders* are entitled to proceeds of Sale of Texas) may induce some change in my proceedings, *that is*, some *variation* in the *modus operandi*.

Gen. Hamilton has *based his recommendation*, that I should go for *English mediation ONLY*; and merely arrange for *opening* the *negotiation* in *London* on the *supposition* that the *money* goes to the *Bondholders*. It *may be true*, but there is some reason to think *otherwise*. I shall *soon* be relieved from *all doubt*. If, then, I am *compell'd*. to use Mr. Packenham's influence or *induced* from *Policy* so to do, I can do so *soon*, or make it my *last resort*. This *statement*, I *think*, in addition to what I have before advised you, will give you as full a picture of the *present posture* of affairs as I can *well draw* under the *circumstances*. Of course I have *not told you all*; only, some of the *leading features*; the *rest* you must *guess at* for the *present*, and until I am *better situated* to give details than I am now.

All which is most

Respectfully submitted.

Continuation.

JANUARY 1ST. 1840.

Myself and my friends are all alive to the *importance* of the subject under my charge, and nothing is left *undone* that can by *possibility* increase the *chances* of *success*. By the 10th. to 15th. inst I hope I can state *my own opinion* of results with *more confidence* than I *dare now*. At present, I will only say that I have gained as much ground as I could have *anticipated*, and I still have *hopes* of *success*. This goes to Vera Cruz, in the hope that it will be *in time* for a Vessel for *N. Orleans* of which I was only advised by *last post*. If it *does* it will accompany *my last respects*, and you will receive them *together*. If not it will go pr. *Eng. Packet*, via *Havana*, and *thence* to *N. Orleans*. I have letters from Mr Burnley, at *N. York*, with a *copy* of his letter to me from London 5th. Octr.; *original not received*. Please thank him for them, if *with you*, as I

have *not time nor health* to write him *now*. I have duly noted the important (in a certain event) contents of his letter of 5th Octr from London, a copy of which you would, I *think*, like to have in the *State Dept.* This is a miserable Winter's climate, and my *health suffers much*. This is the *coldest winter ever known here*. We are daily expecting news from *Matamoras*, last accounts having left *Canales* in the *vicinity* of that place, making some movement, which is here reported as a *withdrawal* of his *troops*. We *know* Nothing but what the Govmt. chooses to publish. It is the strangest place for *news* I have *ever seen*. I hardly know *which party* to wish successful. If by defeating *Canales*, the Govmt. *here* should be *Strengthened*, then I say, *let Canales be defeated*. For one of the things I *most apprehend* and an *evil* as much to be *feared* as any other *single one whatever* is the *weakness* of *Govmt.* which will make them, I fear, when it *comes to the pinch*, *afraid to do what their own convictions assure them is the best*, the *only policy Mexico can adopt* with *Safety or advantage*. If I had *only to convince a majority* of both Houses of Congress—a *majority* of the Cabinet and the President—and more than *half the Sensible men* who, *besides the above*, are in office, and the *same proportion* of *intelligent men out of office* whose opinions would be *worth something*, of the *policy advantages*, *nay, the necessity* of an *amicable arrangement now*, I would say to you, Sir, "I *will accomplish your wishes, only give me a little time*." I should *honestly believe* I could make *good my word*. But when *all this is done*, then comes the *fears, doubts, and apprehensions*, of *consequences—whether it will prove unpopular, whether the Cabinet will be broken up and lose their places—and whether a Revolution, might not be the Consequence, etc., etc.* Hence the *necessity of dividing up the responsibility* beginning with *Congress*, and placing the *Executive and Cabinet* in an *easy position to act*, while the public and even *Congress itself may be ignorant of what is really going on*. It is *only thus, we trust*, they will be able to *get over the anticipated difficulty*.

They are *too weak, too imbecile, too much divided among themselves and afraid of each other to act straight forward, boldly and openly*, however clear they may be that they are *right in POINT OF*

FACT:

With these *additional remarks*, you can *hardly fail to see how things stand now*; and you may, perhaps, *form your own opinion of probable results*, even on receipt of *this* and all my *former despatches*. I say *Still, my dear Sir, I have hopes of success*. I regret I cannot always hand you *duplicates*, but my *health and circumstances* have *not on this occasion permitted*. The *Extreme precautions* I take will, I *trust*, secure the *safe arrival* of my *originals, salvo loss of vessels*. Be pleased to look over the *style* of my communications, and

look at the *matter only*. I close this in the evening and my sight is bad. I wish I could have the satisfaction of a line from you, Sir, or *the department*, but have nothing to acknowledge since my departure from N. York.

I Remain, Sir, with great respect, Your
Obedient and Very Humble Servant,

JAMES TREAT.

P. S. I hope *some* funds, which I have *before* adverted to may have been, *ere this*, placed in Dr. James Ritchie's hands subject to *my draft*? I am sure, I shall require them or *some portion*, of them. You will have seen that I can get them *from no* other quarter.

J. Tr.

HAMILTON TO BURNET.^a

NEW ORLEANS *Jan'y 7th 1840*

SIR

I do myself the honor of acknowl[edg]ing the receipt of yours of the 23rd ultimo, covering my commission under the secret resolutions of the Senate and House of Representatives, authorizing negotiation for peace with Mexico

I likewise acknowledge the secret instructions previously communicated to your agents, which shall claim for my own guidance my careful attention. For this new proof of the confidence of the Executive, tender to him my most cordial acknowledgements, with the assurance that my best exertions shall be employed to promote the, peace, honor and prosperity of the Republic.

I pray you to accept my assurances of the high esteem with which I am respectfully, your obt. Servt.

J HAMILTON.

Hon.

DAVID G. BURNET
Actg Secy of State

TREAT TO LAMAR.^b

[Private.]

MEXICO *Jan'y 7th. 1840.*

MY DEAR SIR.

Altho' I have nothing new or interesting to communicate, since my last advises a few days since, *Yet* I avail of this *day's post* to say a

^a January 7, 1840. See Records of Department of State (Texas), Book 41, p. 409.

^b A. L. S.

few words, hoping it will reach the U. S. Sloop Ontario, to sail 10th or 11th for Balize or Pensacola, having just heard of her arrival at Vera Cruz, where, it appears, she makes an unusually short stay. All I can now Say, in addition to my numerous late advises which are at great length, *is*, that I am now preparing communications for the Secy. of State *direct*, made in virtue of my *appointment*, as I anticipate that the period is near at hand, when I can do this to advantage, as my other movements are, or soon will be, completed.

The Govmt. *Still* appear to adhere to their *apparent* old plan of preparing an Expedition, *nominally* against Texas, but *not* with a View of ever carrying the new invasion into effect. Their *real plan* is, I am induced to believe, as follows: obtain the means and authorization from Congress to raise an army of 10.000 Men (they have only about 5000 *now*, *all told*) to place them on, or near, the frontiers, and *then* negotiate as they think, to greater advantage, and they expect that Congress will give them the *double powers* (Politico-Militares) for this purpose. This is the *real object* of Govmt. tho' it will only be avowed to *some*, while *others*, will be made to believe that the Govmt *are in earnest* in their Views of *Restoring Texas* to the National Union. They (the Govt.) and all those *enlightened* on the *subject* are fully *satisfied* they can *never reconquer* Texas. But the Govmt. being *weak* and *tottering* (and will be more so, if *Canales* should gain the Victory over the Govmt. Troops at Monterey or Matamoras, as some anticipate) adopt this mode of Gaining strength; *that is*, assume the Texas expedition as their *real object*, when it is only the *pretext*, and the *best*, if not the *only one*, they can *now* adopt to produce the desired effect on the Chambers. Congress were again in *Secret Session* Saturday on the subject of Texas, but as it has rained all Day I have not yet heard the result.

As soon as I make my *first* communication to the Secy of State, I will transmit you a copy, and keep you regularly advised of whatever may succeed. I am also preparing an *Exposition*, which If I gain a Conference or Succeed in opening a communication with the Govmt. I *may present*. In *preference* to making a *Verbal Expose* of this paper, you shall *also* have a copy in due time.

The position of the Govmt and of parties and of the *frontier* is *embarrassing*, and render it truly difficult for the Govmt. to *act* without Exposure to the attacks of the *opposition* and of the *public*. They *may be* placed in a position where they *cannot act at all* without *exposing* their places in office; and *Love of office* here is so much stronger than *Love of Country*, they may not be willing to *listen at all*.—Still, I *cannot think* they will refuse me an interview or a conference under all the circumstances of the case. I shall have this

pleasure again in a Very few days at farthest, when I trust I shall be able to report further progress.

Meantime excuse this necessarily hasty note, as the mail is about closing.

With great Respect, I remain Your
Most obt Servant

JAMES TREAT

TREAT TO LAMAR.^a

[Duplicate. "Confidential."]

MEXICO, *January 18th. 1840.*

MY DEAR SIR

I have the honor to hand you herewith, Duplicates of my last three communications of 20th. and 31th. December and 7th. instant, to which I crave reference, should the originals not reach You in safety. These advices are not very important, but I transmit copies to keep up the chain of events, and I should not have been silent since my last respects of 7th inst but for indisposition, (which has been but temporary) want of anything decisive to advise You and also want of opportunity to transmit my advices from the Coast. Even this dispatch goes to Vera Cruz, (and I think I will forward duplicate *via Tampico*) without knowing any vessel bound either to New Orleans or Havana; it must therefore take its chance thro the medium of my active correspondents.

As regards the action of Congress in relation to Texan affairs since my last details, it will be sufficient to remark, briefly, and without occupying too much space: In relation to the project of Govmt., asking for Ways and means and extra powers *politico-militares*, it has been under discussion, and still is; but in its original shape, or with a few unimportant amendments, it is of but little importance to the Govmt. or to my interests, except as regards the powers; for the Ways and Means, altho' granted, as reported by the Committee, is, as it were, a nullity, as it proposes a capitation tax, difficult to carry into execution, and, if executed, very slow in its operation. And, 2dly. as regards the powers in question, there is now no objection to their being given, as it may facilitate my action with the Govmt., when the time arrives for opening direct communications, as suggested in my last dispatch. Hence, the project may become a law, as it ceases to be a matter of so much moment as to induce any formal opposition, even were it likely the bill could be checked; which is not probable, as You will see in the course of this letter.

^a L. S.

In relation to my movements and those of my friends, I have already indicated what results we promised ourselves, and which then appeared reasonable enough, considering the state of things as they existed at the time. And altho' we have not entirely succeeded as regards a Majority, yet there is a very respectable minority in the house, and perhaps a majority in the Senate (or nearly so) who are opposed to the expenditure of more money in the project of invading Texas, and who would, and will, co-operate with the Govmt. (when the time arrived for them to act) in an amicable arrangement of this question. This advantage, therefore, has resulted, not only in, and among the members of Congress, but among many influential and intelligent men, in and out of office and of both parties, *viz.* They have listened to the subject, examined it in its various bearings, reflected upon it, in reference to its effects upon the interests of the country, and they have almost universally come to the conclusion that a compromise of this question must sooner or later take place; and many think that now is the propitious moment, when it might, and in fact ought to be accomplished.

The effects of thus moving and discussing this question in the Way, I have described (a matter of course and quite natural, while the Govmt. are pressing the topic on the attention of Congress) has further extended to the conductors of the Press, many of whom have emitted opinions, not on the direct question, but significant and indicative, that the Govmt. should reflect well on the subject before subjecting the Nation to the unfortunate results of an other fruitless expedition against Texas. These and similar demonstrations of the current of public opinion are not without manifest advantages, for they are calculated and were intended to produce an impression on the Govmt. itself, at a proper time; and, in case future hostilities should ensue, (initiated by either party) the war would be decidedly unpopular, with the intelligent people here, and therefore inefficient and abortive in its results on the part of Mexico. I have adverted to, and I think, sent an other initiative of Govmt. declaring it treason to speak or write in favor of the dismemberment of the Mexican territory and the views of the Texians etc,^a directed against Texas, but also intended to meet and prevent the agitation of Canales or Anaya's^b plan of forming a northern confederacy. If this law passes now under discussion in the House, the acts of the Govmt. will no longer be criticized so severely by the public and the press, and they can carry out their plans without the manifestation of so much opposition. It is thought that this law will pass the House, but in the Senate its fate is more doubtful, tho even there it may find a majority.

^a See Treat to Hamilton, December 16, 1839.

^b Santa Anna is probably intended.

Again, apparently not satisfied with this Texas *Gag Law*, the official organ has, for several days, been writing at length on the subject of the liberty of the press, or rather its abuses, and has announced the intention of Govmt. to ask Congress to abridge the present too great liberty of the press, proposing certain restrictions, which, they say, will conciliate the two extremes of *liberty* and *licentiousness*. The initiative has not been sent in to Congress, but it is in course of preparation by Govmt. Almost every paper (and I am told by a member of Congress, that every one, except the *official*, which is salaried, of course) is opposed to the present Administration on some of the leading topics which agitate the Country, or on general principles. No wonder, then, that the Govmt. desire exemption from the criticisms of so many Missiles that they may adopt and carry out their measures more quietly, secretly, and with less exposure. All this additional power and exemption from public scrutiny, however ill it may argue for the rights and liberty of the people, may come in play in favour of the views of Texas, whenever I can bring the question home to the deliberation and action of the Govmt., I do not say that this is the object of these measures (I wish it was) but I only intimate that under some circumstances they would prove favourable to my plans and objects. I will here remark that, during the Holidays of the New Year, there was much talk about a political Movement in this city, or what is usually called a *pronunciamiento* in favour of Federation, which, I have no doubt, gave the Govmt. some uneasiness. Whether this was to depend upon the success of Canales, or upon some movement upon the part of Sr. Anna, I know not, but it is now deferr'd, probably until some more favourable moment.

It was about the same time currently reported and believed that some movement was also contemplated intended to bring forward St. Anna again, and place him at the head of affairs. He was suddenly taken ill, and his physician advised him to change his climate for that of Tacubaya; and was more than once reported, on this way, up to the city. He has since asked for his passports for Columbia, which have been promptly granted by the Govmt. etc; but this is merely one of his *Ruse de Guerre*, to feel the public pulse; as it is believed, he has no idea of leaving the country at all. This also served as an annoyance to the Govmt., and perhaps further induced them to adopt the measures already refered to in order to secure themselves in their posts. They are now apparently relieved from these immediate apprehensions, and emboldened, probably by the defeat (as they call it) of Canales, or his non success at the outset, and having, as I apprehend, recently been successful in gaining over to the support of Govmt. and its measures some doubtful members of Congress, they appear disposed to curtail the liberty of the press,

and abridge the rights and privileges of the people, the latter to resist any change that may thereafter be attempted, as above intimated. As regards Canales, the Govmt. have recd. and published official advises of his defeat, which is stated to be a serious one; but it is not credited in general. Doubtless there has been a skirmishing and some loss, and Canales has retreated, but was not pursued. The truth of this affair remains to be told; but there is no doubt that the Gvmt. forces, destined to meet him, are superior in numbers, and amply sufficient to keep him in check, probably for some time to come. An other topic has recently been started here, and doubtless will have some bearing (perhaps an important one) on the T's^a question; which I will refer to, that You may have a full view of the general state of things, as my object is to throw all the light I can on my own future prospects, *yet*, I regret to say, *in doubt*. The Presidt. in his message to Congress expresses Surprise at the acknowledgement of your Independence on the part of France; and it has excited considerable conversation. It is now thought that this Govmt. will avail of this act of the french govm. as a pretext for not carrying out the pending stipulations of their late treaty, and that new difficulties may possibly ensue between the two powers. A call has already been made in the Senate for the production of the french treaty, which has not been presented to congress, nor has it been published. The opposition press in France oppose the treaty of Recognition of Texas, on the ground that it will give offence to Mexico and place in jeopardy the french commercial interests here, which, they say, are really more important than those acquired from Texas by recognition. This Govmt. [are] thus furnished with arguments to suit the purposes, if they are unwise enough, to carry forward the plan, as they now seem at least inclined to do. The new french Minister is expected dayly, and has been for some time. The call for the french treaty in the Senate will also bring out the Texas question, in that body, and will be availed of, *incidentally*, for that purpose by those in favour of an arrangement with Texas. As regards the fact (which I informed you I had under investigation) whether there was any, and if any, what conditions giving to the bond holders any lien, or hypothecation of lands in Texas, or the proceeds of sale, or session; I have to observe that the result of my information is not complete. The facts ascertained are these: Congress authorized the Govmt. (Executive) to close the arrangement as they might think proper. Govmt. sent forward the instructions to their Minister and the Lizardi's, or, what is the same thing, ratified the propositions, which were before the Gvmt. for its consideration, and sent it forward the last of July, or 1st of Augt.

^a Texas.

No publicity was here given to the conditions of the arrangement, and hence the difficulty of ascertaining under what stipulations the Matter was finally closed. I have however further ascertained from a good Source, that this Govmt. reserved itself on the question at issue, at the time they acted on the Subject as above. Whether they have since ceded the question, or the reserved point, or refused it, or whether, without waiting for any decision on this head, the bond holders closed under the remaining stipulations, remain to be ascertained; but I am advised that the arrangement was concluded in London between the parties, some time in September, and the fact published on change on the 1th. Octbr. The Engl. packet, now due, and which will bring us London dates to 15th. November, will bring the whole arrangement, which they would publish forthwith; and I shall then know precisely how the Matter Stands, as I consider it important, and [it] may have some bearing, as regards my interview with Mr. Packenham. With Mr. Ellis, the *Am. Minister*, I am on friendly, and visiting terms; but not a word has passed between us on the subject of my visit here. I am Satisfied that he will not open the topic, and as I am also convinced that no good would result from my broaching the matter to him, I have been, and probably shall continue to be entirely silent. He undoubtedly knows my objects here from letters transmitted him through me from Gen. Dunlap, one of which made known my character; but I infer that his own position, or the interests of his Gvmt., as regards the pending convention of indemnity, prevents him from acting in any way. Perhaps it is quite as well so as otherwise, since no good would probably come from a different course, had it been adopted. I have stood aloof from Mr. Packenham since my last for the reasons already given you in my former communications; and also in the hope of receiving some advices and perhaps instructions from you touching this matter, and further in the expectation of knowing whether this Govmt. has yet accepted the mediation of England.

My papers for the Secretary of State, as mentioned in my last, are now prepared for copying, and I only await the issue of some pending matters which I consider may have an important bearing on the reception of my preliminary communication to present them. This will occur probably within a week, or ten days at farthest, when I will again write. I have thus given you, my dear Sir, a general synopsis of the state of things which now exist here, as near as I can ascertain them, all which altho' it may not be apparent at first view, have had, and still have an important bearing on my objects, and effect the measures I should adopt to secure all the possible chances of ulterior success. The obstacles have been, and still are, as You will readily infer, numerous; and I have delayed my direct

application, that they might be overcome or neutralized, either by time and circumstances, or by my own measures and efforts, and those of my friends here. In adopting this course, I have considered it my best policy not to hazard too much by an immediate and direct movement, when the result would have been, probably, unfavorable, and the door might be closed against my final application; but have deemed it more prudent and advantageous to the interests of Texas to prolong, for a short time at least, the uncertainty of my mission, while I could not lose any thing by the delay, but might greatly increase the probabilities of success. An other consideration of considerable magnitude has not been without its due weight, *viz.* expected communications from your Govmt., which I have been anxiously looking for during several weeks past: for, considering the return to the seat of Govmt. of Gen. Hamilton and Henderson, and also, since (I suppose) of Mr. Birnley, the opening of your Congress (and ere this, the close probably of the Session) the knowledge on the part of the Executive of the exact position of things in Europe as regards Texas, and the prospects of effecting the loan, all which will appear by the full and ample reports of your agents; I say, considering all these circumstances, I have thought myself justified in expecting from Govt. advices communicating a change of its views, if any had taken place, or confirming its wishes and instructions as given me So long since as August last; and more especially, since Gen. Hamilton's advices, as communicated to me from New Orleans, and before adverted to, recommend a course not contemplated by Govmt. when I received its commands, and therefore not provided for in my instructions, *viz.* to Secure, by all means, the Mediation of Gt Britain, even without any detailed stipulations, and negotiate the arrangement in London. It cannot be doubted but Gt Hamilton had what he deemed good and sufficient reasons for his urgent request or recommendation, and would place his views before the Govmt. I have therefore considered that beyond all question, I should be advised and instructed in relation to this branch of my duty.

It is now 60 days since Gen. H. left N. Orleans, and 30 days since he expected to be in N. O. on his way north, and our latest dates now from New Orleans direct are 60 days old, so that it seems to me, at least, impossible that I should not have despatches from you on the way; and they must be near at hand. These I have been, and still continue to be very anxious to receive, as they may, and almost necessarily must, throw Some light on the Subject by the further views of Govmt. or by a confirmation of their former wishes and instructions. *Again*, advices from Govmt. would, so far, apprise me of the condition of things, that I should at least know whether the position of the country or policy of Govmt. was such that I should

best consult its wishes and interests by procrastinating a final issue, while the question could be kept open, or by accelerating a decision at once. This would or might, depend on the present condition of things at home and abroad, and the ulterior policy of Gvmt., which may have undergone some change. I cannot anticipate these events, which are possible, as I am without any advises from the department of State since the *postscript* to my instructions^a recd. in N. York, and my private Letters, are only to 8th. Novr. from Texas, and 18th. or 20th. of same Month from New Orleans. I however recollect how strongly Gen. H. advised and urged that I should hold on and not abandon my post, so long as I could retain it. Hence, another cause of doubt and perplexity, which, in conjunction with the various others, have had a tendency to delay direct action.

You here have, Sir, all the data I can now furnish you, and from it You will be able to form your own opinion of the probable result. These details, or rather the summing up of my present position, is now given, as much to rectify any opinions or impressions I may have given you in my previous advices calculated to induce erroneous conclusions on your part, as to place every thing in its true light, for your information and Govmt.

My object has already been, and is now, to give you the information I acquire, and my views and movements with due regard to the facts as I can best ascertain them and their legitimate inferences; but with all my precautions, discrepancies will occur, and more particularly in this country and on so delicate a topic, where everything almost comes through other channels, and it is always to be weighed and sifted very Scrupulously. Hence errors of opinion must inevitably occur. It has not been my object in this letter to justify the course I have pursued thus far, but, should it be thought that I have delayed too long my direct intercourse with the Gvmt., the facts and statements contained in this letter may serve, if not for my justification, at least to induce a suspension of such opinions until I can clear up this point more fully (and which I trust I can do satisfactorily) but only on personal interview. I shall continue my frequent advices, and if they are retarded for want of communication with N. Orleans or Havana as heretofore, I shall much regret it, tho' the remedy is not within my reach. Pardon the extreme length of this despatch (quite too long and tedious, I fear) and attribute it to my extreme anxiety to keep you fully and even minutely advised of every thing of moment which occurs here and effects the important matter committed to my management. I regret very much the absence of advices from Govmt. and hope soon to receive them. I beg you will excuse any want of clearness in the matter of this letter, and also its execution. It has been written while indisposed, and

^a This doubtless means the letter he had from Burnet dated August 19, 1839.

at intervalls, and has been very hastily copied, *also at intervals*, and during the evening. I therefor beg your indulgence. I have to make now my copies and duplicates myself, and writing is very painful to me on account of my chest, which is weak and much affected by this very singular Climate. Hoping this will find you, my dear General, in perfect health, and the country in a quiet and flourishing condition

I am with great respect, and the highest consideration

Your Obt and Hble Servant

signed JAMES TREAT

P. S. January 20th. The duplicates referd. to at the commencement of this letter will not go under same envelope as *this* communication, but separetly: both however will take the Same chance for conveyance—either via. N. O. or Havana, and they will both reach you at the same time and I hope Soon.

I wish to add one or two brief items, but my letter is already so long, and my time is short. So I will omitt any additional Remarks here, and promise my self the pleasure of again addressing you within a very few days.

Meantime pardon haste, and believe me very respfy.

Yours etc.

signed JAMES TREAT

TREAT TO LAMAR^a

[Confidential]

MEXICO *January 22d, 1840.*

MY DEAR SIR.

I last had this pleasure under date of 18th. inst. with P. S of 20th to which I beg reference, tho' you will find it long and tedious. I sent it to V. Cruz, and presume *this* will find it there, and *thus* both will go forward together pr Sloop of War Erie for *Balize* or *Pensacola*. I will *first* add a few remarks, which may beof interest in connection with my last, which had for its object to Shew You *how* I was *then situated*, or rather *how*, many *obstacles* I had, to *remove* or overcome. It is Stated (and I have been so informed specially by a friend) that the *Spanish Minister*, possesses great influence with this Govmt. and that I cannot succeed without his concurrence or co-operation. This gentleman, Senor Calderon de la Barca, was recently the Representative of Spain in the U. States and arrived here *about* a month since from the Havana *via*. N. York, and was received with

unusual honors. This great influence may be true in some degree; probably not to the Extent above, Stated.

Gen. St. Anna *also* may stand in the way of a recognition, as he *may*, Should he hear, that the Govmt. are in treaty on this subject, cause *something* to appear in some of his *devoted* prints which may *frighten* the President and his Cabinet, *now* easily alarmed at any thing from *this quarter*. This difficulty, I might *perhaps* overcome, If *entire confidence* could be placed in his friend here, who is *General Tornel*, but he is looked upon by the Govmt. with as much *jealousy* as his master. *Tornel* has called on me and tenderd. *his services* very Especialy, but I have *not* returned his call, as the Secy of State or Almonte would, if they knew it, draw *Such inferences* as would operate *against* my *negotiations*. I *may* see him *very privately* here-after, and *if needful* I *will* do so.

Since my last, I have been informd. from a *good Source* that, as soon as the French Minister arrives, the present Chargé. d'Affaires, Mr. *De Lisle*, will leave in a Brig of War, now under his orders at V. Cruz, and which was sent by the Commodore of the Havana Station, and he is directed to *call in, and see you*, and will therefore proceed *hence, that is, from V. Cruz*, direct for Galveston. When Mr. De Lisle will leave, will depend on the arrival of his successor. I will write by him, *of course* and send a file of papers. *Please consider this as confidential*. I have now made all my *preliminary movements* and taken all the *precautions* deemed necessary, and to *morrow* I anticipate that I shall be informed by the Secy. of State *that* I can address him *my preliminary* communication announcing my *arrival* and my *character*, and soliciting an *audience*.

So that I feel as if I was on the point of gaining the *first step*; which at *one moment* I even thought *doubtful*. I may have to go through the introduction, perhaps intervention, of Mr. Pakenham; which *of course* I will *accede to*, if it comes in *that shape*, though, had I *my choice*, I would go *alone*. I think *now* I am certain to get the ear of Cañedo, Secy of State; and *ifso*, I am satisfied that, while I must be Very circumspect officially, I can say *any thing* I wish to him as *Cañedo*, for altho' I have *not yet* seen him, I am sure I shall find him very friendly courteous, and frank *personally* with me. I *wish* I could say as *much* in regard to Sr. Almonte. I fear he will be *against me*. But rest assured, my *dear Sir*, when I *once get started*, I will make the *most* of my *position*.

I Remain, Sir, with great respect and the Highest consideration,
Your obt Servant

JAMES TREAT

Gen. M. B. LAMAR.

Texas.

TREAT TO CAÑEDO.^aTREAT TO CAÑEDO.^bTREAT TO CAÑEDO.^cTREAT TO ALMONTE.^dTREAT TO LAMAR.^e

[Confidential.]

MEXICO *Jany. 31st. 1840.**Evening.*

SIR.

Referring to my last respects of 22d. and which, have gone forward, I am now happy to have learned by last Evening's *post* that the Erie will *not* Sail until the 5th Proxo. and *hence this* will reach her, and accompany my preceding two despatches and Several duplicates which have been awaiting at V. Cruz an opportunity to go forward, and after some delay will now find a *good one* pr U. S. Ship *Erie*, which Vessel will *stop* off Balize.

As I anticipated in my *last* on the 24th inst.^f I sent forward the *perliminary communication* as stated in my last; BUT, in consequence of Some remarks, from Mr. Cañedo to my friend this letter was *not* delivered, but returned to me next day with a suggestion *that* while the *matter*, was *unobjectionable*, it would be *better* policy to modify the style and phraseology, and that the despatch should come through Mr. Pakenham, who had already profferd his good offices to the Govmt. in behalf of his Sovereigns,—to *all* which I assented, considering them *quite unessential* in *point of fact*, and knowing how very *sensitive* these people are, and more so on such a *delicate topic* as the *one in question* is at the *present moment*. Retaining the Substance, I altered the Style, etc. to remove the objections of some of the Cabinet more *nice* than *wise*, and to gratify the President. Mr. Pakenham was to *bear* the *Notes*. With this letter marked as *private* and *confidential*, I addressd. Mr. Cañedo a *private* and *personal* com-

^a January 24, 1840 (No. 1). See Treat to Lamar, February 7, 1840.^b January 24, 1840 (No. 2). See Treat to Lamar, February 7, 1840.^c January 24, 1840 (No. 4). See Treat to Lamar, February 21, 1840.^d January 24, 1840 (No. 5). See Treat to Lamar, February 21, 1840.^e A. L. S.^f Not found.

munication, which I well knew would produce to a certain Extent the Same effect as if the *Matter* was contained in the *official* note. And after two interviews with Mr. Pakenham, who had previously, and *repeatedly*, Seen Mr. Cañedo on the Subject, Mr P. delivered the despatch, *three*, days since, when the Secretary of State informed Mr P. that He would advise me thro him, Mr. P. *when* he would receive me, the question of reception or *seeing* me and hearing me having been previously determined upon. From this period until *this Evening*, I Saw Mr. P. twice, and he once calld. on me, but being out he left his card. The Secy of State has *now* informed Mr P that he is instructed by the President to say to Me through Mr P that he will see me at the Departmt of State tomorrow at 1. o'clk. where I shall of course attend *tho not well*, in Company with Mr P. If possible, *tho*, I *fear* it will *not be*. I will send you copies of the Notes above referd. to tomorrow, as this letter must be prepared tomorrow Night to reach the *Erie*.

Note In consequence of *misplacing* my *Copying papers*, I must copy *this page in Ink*. I have an impression in my Book, but *not* on the *Sheet* for *transmission*—this is the *short remedy*.

It would be useless, at this moment, to give you the details of the conversations had with Mr Packenham, and those between my *friend* and the Secretary of State, altho' not without interest; inasmuch as it is *all* of a *preliminary* and somewhat *general* character, and Even the most important items I can hardly *qualify*, or State what importance *should be* attached to them, until I get hold of *Something myself direct*. Besides, I have not time nor Strength to do the subject ample justice by this conveyance. I trust therefore, that your Excellency will be satisfied with the leading facts. By the next *oppty* I will give you *if possible* the copies and *such* points as may be necessary for matter to be clearly understood. I should *not* have the proposed *interview to morrow*, had I not specially desired it of the Secy of State thro' Mr P. on the ground that I had an opportunity by *tomorros's post* to place letters in Vera Cruz in time for the *Erie*, and Mr. Cañedo has *thus* indulged me, otherwise it would have been *deferred*. until *Next Week*.

This *so far* shows that Mr. Cañedo is *courteous* to me at least. He *also* sent me an apology for not calling to see me, which, under the existing circumstances, I *must overlook*. So much for Mexican (Castillan) politeness.

MEXICO February 1st. 1840. Evening.

After an Interview with Mr. Pakenham this morning, he accompanied me to the Palace in his own Carriage, and presented me, at 1 P M to Mr. Cañedo, who received me Very cordially and courteously, and Soon after Mr. Pakenham *withdrew*, and I remained in unin-

interrupted conversation with Mr Cañedo until half past 2 o'clk. Mr. Cañedo, made me quite *at home* and *at once personally*, and gave me a long detail of *his position* in the Cabinet, its construction, principles, of action State of public opinion, difficulties in the way of *rapid progress in anything*, and advert to the *obstacles* which he had found with the President and his colleagues, as regards the *matter and manner* of my reception, and he had, by using Mr. Packenham on the one hand, and arguing in favour of receiving and hearing me confidentially,^a and he was *finally authorized* by the President to listen to all I might have to Say, without saying much *directly* to the point. It seems that he as well as myself had, intended this as rather an *introductory interview*, to open the way, gain my confidence, and give me some *hints* which he thought would be useful, *and in which I had anticipated, him*. He was disposed to hear me, but, I suggested that my *lungs* would not, at the moment, permit me to *Speak at length*, and that if he had no objection, I would *place* on paper the Views Sentiments, and wishes of the Govmt., as regards Mexico, *which* would be perhaps so far preferable to a verbal Statement, that, if he found anything worth shewing to his colleagues and the President, he would have it in a Shape to Exhibit—to all *which* he assented. In *this* I had *my objects* and which I will not *now detain* You to Explain. He said however, he would see my *credentials*, that he might report to the President *briefly* the *general* and introductory interview. I had in my pocket my instructions and the subsequent letter of the Secy of State and Explained that I had brought no credential Separate and independent of my instructions—that I received *orders* from the President at Galveston, where a part of the Cabinet then were, but that the Seals of office being at Houston, and my departure urgent, the instructions had been thought sufficient, etc. etc.

I Then shewed the introductory paragraph of my instructions relating to my *appointment Exclusively*, and Shewed the Signature of Judge Burnet, Acting Secy. of State, remarking that the handwriting of both papers, was entirely in that of the Judge, and I presumed was well known to Mr Almonte, etc. etc. He seemed quite satisfied *himself*, but stated that he knew the President would *not be*, and *feared* Almonte would *object*. He said that the Seal of State, in proof of the Signature gave validity to *ones powers*, and Should according to all usage be Separate and full for the objects intended, and *that document alone* would justify or authorize a discussion. I was obliged to admit the *fact, obvious enough*, no doubt, but suggested *Various Ways* of correcting the Evil, so that no time *Should be* lost. He seemed willing to overcome the difficulty, so far as he

^a Here something necessary for the construction of the sentence is omitted.

could, and promised to Endeavor to do the same as regards the President and his colleagues, but could not *positively promise* on this point, as regards *others*.

With Mr Pakenhams aid, I Can *Manage this* so as not to interfere with my *progress* in carrying forward the discussion to a point *Verbally* and by presenting the written paper referred to. But, whether I shall reach a *point* where anything is to be *signed* or not is more than I can Venture to assert, *nor* can I say with certainty, whether the *remedies* proposed and listend. to favourably. by Mr. Cañedo will be Satisfactory to the President and Cabinet, or whether Mr. Pakenham will feel disposed to *help* me thro' this difficulty, or not, as I have not seen Mr P. since my leaving the Palace. However, any or all these *may result* it appears obvious that it is *best at once* to forward *Me a regular credential* Signed by the President, and having the Seal of the Republic, and countersigned by the Secy of State with the Seal of the *State Dept.*, if *any* there be. This *credential* in the usual form will authorize me to enter into any *permanent* or *preliminary* arrangement with the Govmt. of Mexico establishing the basis, or principles of a Treaty of Peace, *limits, recognition*, and so forth, according to *instructions* etc. etc. This Should come forward original and *duplicate*, addressd. *simply to Me and covered* to M. Burrough Esqr. United States Consul, *Vera Cruz*, and let one follow the *other*. If I accomplish anything, this will enable me to *Sign*, and *bind the Govmt.* etc. If it is not wanted; I will direct its return. Should, as I take it for granted, you concur in this, let no *time be lost* in forwarding *them*. Should I remove the difficulty so far as to enable me to go on, I will advise you in a few days, when I am just informed there will be *another* vessel from Vera Cruz to New Orleans. Should the Labour thus involved be in *vain*, why, better so than lose *any* time from its delay. I beg leave again to *Repeat* that I *think* this should *not* be omitted asingle moment. One Copy might be directed *via* the *Havanna* under cover to some one there, to be forwarded pr. *first good Vessel* for Vera Cruz—the other by the *first* vessel direct from N. O for Vera Cruz—if *two different direct opportunities* offer, *they* may of course be embraced.

I said just enough to Mr. Cañedo on the subject of *business*, to induce a desire to hear more and hence operate as an incentive to Mr. Cañedo to hear me through, under the proposed *remedies* which I shall try on monday.

I have not time for more, the Mail hour having nearly arrived. I will report further in a few days by the Vessel *said* to be going to N. O. in a week or ten days.

Your will pardon Haste, as I have been obliged to write away from my own room, and with such materials, and in such manner as I *best could*. I think I will be listened to throughout by Mr C. and, if I

effect nothing, I will know I *think, fully* and candidly, the Views of this govmt. and *how far* they are disposed to go, If they are prepared to act at all. I am without any thing from you, but I hope you will soon send me something.

You will have seen Mr Pakenhams letter to Gen. Hamilton ere this, *but* you must *not* take *all* his opinions for gospel, tho' *in that* he may be *right*. He appears willing to serve my *objects* but I *think* I discover a *disposition* to *procrastinate*, which if *confirmed* I think I know the *object*. I shall continue to use his good offices, and endeavour to merit them by an *apparent* if not *real* *corresponding frankness*. Hoping my operations thus far may merit your approbation, I Remain dear Sir in great Haste, Your Most Obt Servant with the highest respect and consideration.

J TREAT

To

Gen. M B. LAMAR

Austin

Texas.

TREAT TO LAMAR.^a

MEXICO *Feby 1st. 1840.*

SIR,

I have the honor to hand you herewith *copy* of the *contract* between the Bondholders of the Engl. Bonds against the Mexican Govmt. in London, and the *agents of the Mexican Govmt. also the Decree of Congress* authorizing the Consolidation of the *Said Bonds*, and confirming the Contract;^b and I will *add* by next vessel the regulations and instructions of this Govmt.^c which I could not do to-night.

You will *find this* a *Very important document*, and which I only recd last night, and could not dispose of the copy which must be returned. *Obtain a correct translation of it, and it cannot but be useful* to you in your *deliberations*. I have no time for *comment* and remain

Verry Respectly in grate haste
Your Obt Servant

JAMES TREAT

TREAT TO CAÑEDO.^d

^a A. L. S.

^b See Dublán y Lazano, *Legislación Mexicana*, III, p. 628-631. July 29, 1839.

^c September 15, 1837. See *ibid.*, p. 624-628.

^d February 4, 1840 (No. 6). See Treat to Lamar, February 21, 1840.

TREAT TO LAMAR.^a

[Confidential.]

MEXICO Feby 4th 1840.

Evening.

MY DEAR SIR.

I beg leave to refer you to my late respects of 7th. 18th. 22d. and 31st. ulto. *latter with post date of 1st. inst.* all which, I *think*, will have *got together* at Vera Cruz, and will be forwarded to Pensacola pr. U. S. Ship Erie, to Sail as I *am advised* to morrow from V. Cruz. I have only Sent forward duplicates of my advices up to *that of 7th. ulto. inclusive*, the balance are now being copied, and will go forward soon.

I also addressd. you Separately a few hasty lines under date of 1st. *inst.*, covering a *Manuscript* Copy in Spanish of the contract between the Bondholders in London and the Mexican Govmt. and their Agents, together with the decree of *Congress* in relation to the Subject, and will soon place in your hands the instructions of this Govmt. given in virtue of said Contract and law of Congress for the Govmt of the *Agents* in London. I again recommend to your attention *said papers*, as you will find by the translations (which I had not time to give you) that they are *worth* your attention. I will endeavor in my next to give you my views of the Matter, and Shall perhaps know more on subject *then* than I do *now*, for altho the English Packet has arrived I have *not* found *these* papers published, and their bearing on my negotiation is *such*, that I do not wish to call the attention of Mr Pakenham to the subject, nor *that* of the Secy of State, at least until I *am certain* how the matter *stands*. It will appear from the *contract* I have sent you, that 25 Millions of Acres of Land in Texas is *Specially hypothecated* to the bond holders, and if *sold*, the proceeds to go to *them*. This is, in addition to 100 millions, *previously hypothecated generally* for the same object. I refer you to the translation, at least until my *next letter*. I have but little of interest to *add* to my recent long and hasty letter of 31st. Ult. and 1st. inst. I have seen Mr. Pakenham the British Minister *frequently*, and he has profferd. since *Yesterday morning* to offer the Guarantee, *referrd. to in my last*, to Mr. Cañedo, the Secy of State, so as to remove the difficulty arising from the omission of the *formal credentials*, embracing the powers intended to be conferrd. on me. Mr. Pakenham would not be able to See the Secretary until *this evening*. Tomorrow, I will pass a Note to the Secretary, which will be accompanied by Mr. Pakenhams *Guarantee* of the validity of my appointment, and powers to treat etc, until the *powers* I have

asked for in my last Should *arrive*, or time Should *Shew* that I have no occasion to use them for the purpose of signing *any arrangements*. *This being done*, I shall send in an *Exposition* of your views, and the wishes of the *Govmt of Texas*.

This paper I shall draw up, as near as may be in conformity with your instructions, and, Such as I think best calculated to awaken the feelings and excite the interests of Govmt. I consider a written paper of this character decidedly preferable to a *verbal* relation of the grounds of your application for *peace*, and the *pacific views* of your Govmt. As soon as I shall have sent it in, that is, by the *next* conveyance, You Shall have a Copy of it, and my other communications to the Secretary. Mr Pakenham has treated me, thus far, with great attention and seems disposed to aid me all in his power.

In fact, the more I see of him the better I *like him*, and my previous unfavourable impressions are in some considerable degree removed. When the Secretary Shall have sufficiently examined and weighed my Exposition I shall be prepared to submit to him *propositions*, should he signify a wish to receive them. I forgot, in My last to say that, aware of the *influence* of Mr. *Almonte* in the Cabinet Councils and with the President on *this Topic particularly*, I addressd. him a private and personal *letter* some days since, calculated to conciliate him in the disposal of this question, but as yet he has not replied to it, and has resented some indirect overtures which I have made to obtain a Verbal interview. He, I fear will strongly oppose my pretensions. But I will See if I cannot reach him thro' some other channel, if possible. I also omitted to Say that Lord Palmerston has directed Mr. Pakenham, to request a categorical reply to an *Extract* from the instructions given by the former to the latter, which was given long since to the secretary of State, in which Lord P— says clearly that they recommend an amicable adjustment of *this question*, and *intimates* that, after a reasonable time, they shall do as they did in the case (*similar*) between *Spain* and *Mexico*—*That is*, recommend recognition If it is not *done*, England will follow her *usual Laborious course* and *recognize*, Whenever her interests require it. *This* is the Substance of the Note. They have only replied *verbally* and he will *this week* endeavor to get a *More Specific* answer.

I have nothing further of interest but will write again within a week, and add all that may occur.

Pardon my Scrawls, as my Copy book is bad. Hoping daily to hear from the Govmt, I Remain Very Cordially and truly, and with great consideration, in *Haste* Your Obt Servant

JAMES TREAT.

To

Gen M B LAMAR
Texas.

WRIGHT TO BEE.^aLIPSCOMB TO BEE.^bDEPARTMENT OF STATE
City of Austin 6th Feby '40

TO HON BARNARD E BEE

SIR,

Since your departure the fate of our gallant Citizen Soldier Col Benjm H Johnson, and his party, has been ascertained.

With a view to the more certain publication and general promulgation of the Presidents Proclamation "enjoining neutrality on the part of the Soldiers and Citizens of Texas, in the contest between the Government of Texas,^c and the Federalists, on the west side of the Rio Grande, Col Johnson and his party had been despatched, that by his presence, the delusion, under which some of our citizens were laboring might be dispelled, and the policy of the President not compromised, by their misguided and imprudent zeal in taking a part against what they supposed to be the common enemy. It appears from the most authentic information, that we have been able to obtain that Colonel Johnson had executed the object of his mission, and left Carmago about the 15th Decr. last, and after crossing the Rio Grande on his way home, was intercepted, and the whole party, consisting of eight or ten persons, put to death with circumstances of fiendish cruelty, that could only be characteristic of the most uncivilized savages.

It will be thus seen, that the good faith and moderation of the President, has been sealed, by the blood of some of our most worthy citizens, and a most gallant officer, who was surpassed by none, for chivalry and patriotic devotion, to his Country's service. You will doubtless avail yourself of the circumstances, attending the mission, and tragic fate of Col Johnson and his party, to impress on the Mexican Minister, and the Cabinet at Washington (with due delicacy however) this additional evidence of the moderation and humanity of our Government.

A delicate regard for the Government of the United States, whose friendly services as mediator had been so generously tendered, as well as a humane determination, not to extend the horrors of War beyond the limit forced on us by necessity, and a prudent regard to our own safety, required forbid our Government taking part in the civil war, waging west of the Rio Grande. It must be obvious, that

^a February 5, 1840. See Bee to Secretary of State, Texas, April 21, 1840.

^b See Records of Department of State (Texas), Book 54, pp. 10-12.

^c Inadvertently written for Mexico.

until a pacification between our Government and the Republic of Mexico, every attempt of the latter to restrain the insurrectionary movements of the Federalists, will be wholly abortive; as the prospect of a retreat on the east bank of the Rio Grande, in the event of failure, will always afford encouragement to a renewal of their efforts. This would be effectually and forever terminated by a treaty of Amity and friendship, between Mexico and Texas. I send you enclosed a copy of the Presidents Proclamation referred to in the commencement of my letter.

Your Nomination has been ratified by the Senate and you will receive by the present conveyance your Commission

With great consideration I have the
honor to be Your obdt servt

ABNER S. LIPSCOMB
Secretary of State.

Honorable

BARNARD E BEE

Chargé D'Affaires of Texas
Near the Govt U. States.

* * * * *

TREAT TO LAMAR.^b

[Private.]

MEXICO *feby. 6th. 1840.*

SIR,

I have the honor to enclose you duplicate of my respects, of 18th Ult, to which I beg leave to refer you, in case the *original* is not at hand. I had intended, and so promised you, in my last, to send other duplicates and copies, but have just heard that a Vessel is about departing from Vera Cruz, of which I was not apprized, and I have only time *now* to hand you the Enclosed hoping that *this nights post* will convey this *letter* in time to Vera Cruz for the Vessel in question. Another oppty will soon present itself, and I will embrace it to send you copies of my letters to the Secretary of State, and duplicates of my last. I am sorry to inform you that the Secy of State seems to have changed his mind Somewhat, and has required of Mr. Pakenham a formal and official *Guarantee*, binding his Govmt. to the fulfilment of any *Stipulations* that *Mexico* and *Texas* might

^a The omitted postscript relates to Bee's salary.

^b A. L. S.

Enter into, when in our verbal interview he *merely* required what was called a *Guarantee*, but only then required to be an official letter, *Stating that* He has seen satisfactory *evidence* that I *was authorized* to treat and *bind* the Govmt. of *Texas* within my instructions. The paper now required of Mr Pakenham is *unusual*, and he with some reason hesitates about giving it.

We shall make another trial with Mr. Cañedo, and endeavor to remove the difficulty so far as to go on with our conferences at *least*, until the credentials are received. This may be a pretext to gain time or *procrastinate*, but we shall see tomorrow or next day—at all events, you will perceive the necessity as I conceive that the *Credentials* Should forthwith be sent in *duplicate*, and let them be ample and full, that no further pretext or Excuse will *avail them*. If by Tampico, My letters may be covered to R. Pakenham, the *British Minister* and forwarded to the British consul *there*—at Vera Cruz ^a as the department is already advised—Under cover to the Am consul. The very fact *that* they make the Excuse of want of *formal credentials* will *compel* them to *hear* and *decide when* I *get them*. I therefore hope they will be sent without delay and *in full form*. I will address Mr Cañedo a private personal *note*, urging upon him to accept of Mr Pakenham's written *assurance* so that we may progress in our discussions.

Meantime, the *documents* referred to arrive. I think we will overcome the difficulty somehow or other, if it has originated with the President and *Almonte*, as I apprehend. *But* if it is a mere *pretext* to gain time they may *compel* me to *wait* until my powers come, which I hope will be *very soon*. I am pretty well satisfied *now* that Mr. Pakenham acts *with me*, or honestly *labors in my behalf*—of which I had *before* some *Misgivings*. If I find it best to *press* the matter upon the *Govmt*, I can find ways and means to do so, but I think *this* would not be politic. Mr Pakenham has letters today from Gen Hamilton which I shall see tomorrow.^b I have *nothing from any quarter* I cannot say more, indeed, I write in *great Haste* fearing I *shall miss* this post.

Very faithfully Yours etc.

JAMES TREAT

To Gen M B LAMAR

TREAT TO CAÑEDO.^c

^a That is, if by Vera Cruz, etc.

^b One of these was probably the letter from New Orleans of January 2 and 3, 1840. See Correspondence with Great Britain.

^c February 7, 1840. See Treat to Lamar, February 7, 1840.

TREAT TO LAMAR.^a

[Private.]

MEXICO Februry 7th. 1840.

SIR

I have the honor to transmit you *herewith* copies of letters No. 1 and 3,^b which, which I have had occasion and intend hereafter, to address to H. E. Mr Cañedo, Secretary of State in relation to the object of my mission, and I beg leave to submit a few remarks in relation to *each* communication, which I beg your Excellency will take into consideration, in perusing said letters, as *without* some Explanations, I fear, they might not be well understood, and *perhaps* they would not merit Y. E. approbation. I am aware Sir, that *such papers Should Speak for, and Explain themselves*; but I trust that when Y. E. shall have received all my advices, up to the present date, you will be convinced, of the difficulty of my position, under the existing circumstances, and therefore, that to secure an *interview*, and a *full hearing*, was the only way in which I could carry out your instructions, or even learn anything of the Views and Intentions of this Government as Regards Texas.

To Effect these objects, (without which my mission would be entirely abortive) I have had to bend somewhat *to* circumstances, under the direction *given me*, and to adopt *that course* which I thought best calculated to secure *first* the *primary objects* above indicated. Having already explained to you in former communications the *causes* of my delay in approaching the Govmt. and the course I adopted during this interval, I will now submit my letters, with such brief explanatory remarks as, I hope, will prevent any unfavourable impressions which the *mere perusal* of the *letters* might leave on the mind of Y. E. and I shall be *happy*, if in view of the *whole subject*, I shall be so fortunate as to *merit* your full approbation, in the prosecution of my *difficult task*.

No. 1. is a despatch I *had prepared* to announce my *arrival* and my *character*^c here to the Secretary of State, as soon as I thought the way was prepared for its *probable* favourable reception by Government. (The *first clause* requires no remark). The second clause was framed under a full conviction *that*, unless I convinced the Govmt. that my *character* was *entirely unknown* to the *public*, and might be so *continued*, (if the Govmt. would keep *their own secrets*) I should not even *obtain* a hearing, and hence the importance I have attached to this point. The *third clause* I inserted because I feared the Secretary might be willing to *talk*, while he might be *unwilling to write*, and

^a A. L. S.^b No. 2 is also inclosed. Its omission from this list is doubtless inadvertent.^c That is, his official position.

hence the entire option was given him, while, as you will perceive I wanted the opportunity of a conversation with the Minister, *before* any *definite action* was had by the Cabinet. In the *fourth clause*, I was desirous to say *something* that would favourably incline the *President* and *Almonte* to give me a hearing, as I knew they were both very obstinate on this Subject, and *hence* I made the formal assurance of Y. E. to the President of Mexo. of desire for Peace. *The fifth clause*, requires no remark. *The sixth clause* was to account to Govmt. for my remaining so long *here*, without presenting myself as I knew *Almonte* was aware of the day of my arrival here, and of course presumed that he *had*, or *might* have informed his colleagues of the *fact*.

This letter, having *Submitted* to my friend for perusal, I handed it to him for delivery to the Secretary, *but* it was returned the next day unopened, with the opinion *that* it was *not* *Such* a letter as would please the *President*, being too *plain* and *categorical*, and not *adulatory enough*, or *smooth* enough to suit *these* people, and might be *fatal* to my application for a conference; and after some reflection No 2: was substituted.

In regard to this letter No 2, I have but little to say. You will at once perceive that it was *framed* to *please*, and had only *one leading object*, that of so far gratifying the *President* and *Almonte* as to authorize the Secretary to listen to me, and see what I had to say; and it produced the desired effect. *In fact*, the said letter is a *compound* of *Mexican Ideas*, put in *Such* English as I could best adapt to the *case*. The result, *you know*, that I was admitted to an interview, and it was agreed that I should present in writing the views and wishes of Your Excellency, the only intermediate *difficulty* being *that* now under discussion between us, of the *omission* of *formal credentials*, which, it was admitted, could be remedied by Mr. Pakenham; it remains to be seen today whether we shall succeed, as Mr. P. has an interview with Mr. Cañedo at 2 P. M. Your Excellency will therefore make due *allowance* for this Document, No 2; in view of this *acclaration*.^a As regards No. 3, containing the Views of Your Govmt. which I have preferrd. committing to *paper*, that it might be *seen* and perused by the *President* and *Cabinet*, and *perchance* produce *some effect*; I hand it to *Your Excy* herewith, with *some reluctance*, as it will shew how *humble* has been the *talent*, which I have been able to bring to bear, on this Subject. I *Sought* to make it *clear* and *intelligible* and also *Respectful*, and have endeavored so to frame it, as to carry *Some conviction* to the minds of those whom I have to deal in this matter. I can hardly expect its Entire *Approval*, but *again* claim for it Y. E's. indulgence and con-

^a This word is plainly written. Probably Mr. Treat meant elucidation or declaration.

sideration. I may make some alterations or variations in it before I send it to the Secretary, of which I will apprise You. It will *not however*, be *essentially* changed.

I have no time for more, and address you *now* in *very great Haste*, for which I ask your favorable consideration.

I Remain with great consideration and Respect,
Your obedient Servant.

JAMES TREAT

To Gen M. B. LAMAR.

["Confidential."]

Copy.
No. 1.

CITY OF MEXICO, *January 24th. 1840.*

MOST EXCELLENT SIR:

I have the honor to inform Your Excellency, that having been appointed by the President of the Republic of Texas *Special* and *Confidential Agent* of that Government to confer with the President of the Mexican Republic respecting existing differences, I am prepared to enter upon the fulfilment of the duties which devolve upon me *whenever* your Excellency will have the goodness to inform me of your readiness to receive me for this purpose.

In the *interim*, I beg leave to observe to your Excellency, that my appointment to this *confidential Agency*, was intended to be Kept entirely Secret, and has been So Kept as far as practicable, for the mutual convenience (as was Supposed) of both parties. I therefore respectfully suggest to Y. E. the expediency (Should his Excellency the President of Mexico concur) of still so *considering it*, until the result of my mission shall be devellopped, or, until the parties *respectively* may think proper to divulge it; and more especially, should the overtures which I shall have the honor to make (when admitted to a conference, on this important Subject) be entertained and acted upon by H. E., the President of Mexico.

I leave entirely with your Excellency the manner of conducting this business, whether verbally or by correspondence; but, at the same time, I beg leave to suggest, as quite obvious, that a *private interview* between Your Excellency and myself may perhaps be the Most Conducive to a prompt and clear understanding of the Matter. Y. E. will, however decide on this point, as may appear most convenient.

I trust I may so far *further* trespass on the time of Y. E. as to fulfil, in this preliminary communication, *one point of duty*, and it may properly be considered *the first*. Permit me then, through Your Excellency, to inform His Excellency, the President of the Mexican Republic, that I am especially directed by the President of Texas to

assure H. E. that the President and Government of Texas most earnestly and Sincerely desire a peace with Mexico, and it is firmly believed by them that the time has now arrived when *that Peace* should be secured, with honor and advantage to both parties.

When I shall have the honor of an interview, and of presenting to Y. E. the Views of the Government of Texas, I can enter into *further particulars*, which would be improper in this communication.

If I have not sooner presented myself to Y. E. it has been because I have been anxiously awaiting advices that would enable me to remove *entirely* any impressions or Suspicions which, the President of Mexico *may have entertained*, as regards any knowledge or cooperation, on the part of the Government of Texas, either *directly* or *indirectly*, in the enlistment of some of its citizens or residents in the Ranks of the forces recently in arms on your Northern Frontier.^a

And altho I have not yet received these expected additional and unequivocal *proofs*, I can however, assure Y. E. the President of Mexico, in the most solemn and positive manner, of the negative of these apprehensions, should any such *still* exist in the mind of His Excellency.

Meanwhile, I resolved that, without further delay, it was my duty to announce myself, to Y. E. and shall be happy to furnish the *proofs*, of the assurance I *now give*, whenever I receive them.

I await the satisfaction of Your Excellency's reply, to this *confidential communication*, as soon, as it may suit Y. E's. convenience.

I have the honor, to be, with the highest regards and, consideration, Y. E's. most obedient and

Very Humble Servant.

Signed JAMES TREAT.

To H. E. Señor Don
JUAN DE DIOS CANEDO,
*Minister of Foreign
Affairs of the Mexican
Republic, Mexico.*

Copy No. 2.

MEXICO, *January 24th. 1840.*

MOST EXCELLENT SIR:

The present Age is distinguished from the past, inasmuch as we find existing everywhere Simple and natural Laws; mutual rights and interests are closely examined, and made to overcome the mere

^a Referring to the co-operation of Ross and Jordan with the Federalists in the invasion of Mexico in the fall of 1839. See proclamation of Lamar, December 21, 1839, in *Austin City Gazette*, January 1, 1840; *Telegraph and Texas Register*, April 8, 1840. (It should be noted that the available files of the last mentioned paper have a gap from December 25, 1839, to April 8, 1840.) *Of. Niles' Register*, LVII, p. 354.

prejudices of men; and the welfare of all is duly weighed and Scrutinized, more with a View to the *future*, than the *present*; so that *true Glory is now*, only Sought in those measures of pacific policy, dictated by the Superior lights of the present day.

War itself has not now for its object *devastation*, as this motive is detested, even by those farthest removed from the scene of action, because *in point of fact* this would be to retrograde or, at least, suspend and retard civilization and the happiness of mankind.

Texas believes herself entitled to general consideration, because she is perfectly convinced of these salutary truths, and She cannot believe Mexico so unjust as to be governed by principles, which would eclipse the glory she has already acquired by her past acts, as well as the reputation for prudence and circumspection for which she is so much distinguished among the Nations of the late Spanish America's.

In view of these convictions, in which it is gratifying to render due justice to Mexico, Texas despatched at the commencement of last Year An Agent to Mexico, for the purpose of establishing a good understanding, between the two countries upon a rational and permanent basis, which would secure to each a friendly intercourse, and all the advantages of reciprocal commercial relations, together with those good feelings, which would present to the world the most flattering aspect.

Texas might have adopted a different course, but she was unwilling thus, to resent her injuries, and, while she deplores the past misfortunes of her people, she has the Satisfaction of not having abandoned those principles which in 1836 induced her to bury her griefs, rather than cause injuries to Mexico.

Mexico had received abundant proofs during the preceding year of the pacific disposition of Texas, one of which was the observance of the most rigid neutrality in the Struggle between Mexico and France; ^a and, notwithstanding this, Texas saw with regret its Agent rejected in a Manner so different from what might have been expected, in view of the considerations she had manifested towards the Mother country. This, circumstance would have exonerated Texas in the estimation of the public from all responsibility, and justified her in acting independently in all her subsequent measures, without any further considerations towards a people who appeared to be, under the influence of unworthy motives and antipathies. Texas, notwithstanding all those circumstances, is disposed to satisfy fully her own principles, and is therefore, unwilling to run the slightest risk of misconception, as regards the principles and feelings of the Mexican Government, which, perhaps, was prevented (on the occasion

^a The attack on Vera Cruz by the French, November, 1838.

referred to by the Undersigned) from acting otherwise, either in consideration of *then* existing circumstances, or probably in view of doubts, which there was no opportunity to explain.

In view, therefore, of the preceding reflections, and animated *still* by sentiments of good will towards the Mexican Republic and its Government, the undersigned has been appointed *private special* and confidential Agent of the Government of Texas, (acting for the present with due Secrecy and reserve) and he is fully authorized to present himself to Y. E. and enter at length into the Views principles and wishes by which it is animated, as well as to discuss and arrange all matters which may be considered of mutual interest to both countries.

The Undersigned, congratulates himself on having arrived in this Capital at a period when the Supreme Govmt. of Mexico has received the most positive assurances, as regards the impartiality of the conduct of Texas in the recent dissensions, which unfortunately have occurred in some of the Northern provinces, and he flatters himself that this circumstance in connection with various others, propitious to both countries will Secure a favourable reception to the request he has the honor to make to H. E., the Secretary of State and of foreign relations, that H. E. will have the goodness to grant the undersigned a private conference, in which he can present his credentials, and refer briefly to the objects of his mission.

The undersigned has the honor to subscribe himself, with the highest Respect and consideration, Your Excellency's Most obedient and Very humble Servant.

Signed JAMES TREAT.

To

H. E. Sr. Dn. JUAN DE DIOS CAÑEDO,
Secretary of State and of foreign Relations.

Copy No. 3.

[FEB. 7, 1840?]^a

Brief Exposition of some of the reasons in favour of the expediency and policy of a prompt and amicable arrangement of existing difficulties between Mexico and Texas, and a Speedy Recognition of the Independence of the latter, on the part of the former, under Treaty Stipulations, which Shall Secure a permanent peace; a fixed boundary; and all the consequent advantages of a free and well regulated intercourse between the two countries.

In the first place, Texas, most sincerely and earnestly desires a peace with Mexico, which shall be lasting and honourable, as well as

^a The date, with the brackets, is penciled in.

beneficial, to both parties; of which satisfactory proofs might be adduced, were they deemed necessary, And,

In the Second place, Texas most fully and firmly believes that, in asking Mexico for a peace and recognition under Treaty provisions She does not require of her any sacrifices, that will not be fully compensated for, by the benefits She will derive from the peaceful and friendly commercial Relations which will grow out of these pacific measures of Policy.

The following propositions, it is believed, will require no special evidence to Support them.

1st. That there is an entire dissimilarity in the education, habits, dispositions, and pursuits of the inhabitants of the two Countries Which will forever prevent them from assimilating and moving harmoniously together under any system, were they again United.

2d. That there is a total incompatibility of Ideas entertained by the people of the two countries as to those forms of Government best adapted to Secure the rights and provide for the wants of Society.

3d. That conflicts would inevitably arise from this incompatibility of sentiments, and evils would indispensably result therefrom, should the Anglo-Saxon race now inhabiting Texas be again con-mingled under the same form of Government with a Mexican population.

4th. That Texas would be a possession; not only inconvenient, but almost worthless to Mexico from its remoteness from the Seat of Government, and the main body of her population, as well also as from its contiguity to the United States, Where under any circumstances its intercourse must principally tend.

5th. That Mexico would (*obviously*) experience great difficulties, and incur great expence, in keeping the Indians within and bordering on Texas in check, at so great a distance from its population and resources.

6th. That there would necessarily result great benefit and advantage to both countries, from a friendly intercourse and Trade, conducted on the basis of Good Faith, and in the Spirit of kindness and harmony.

To the preceding, many other facts, equally self-evident, might be added; but these are deemed sufficient, for present purposes.

In proof of the pacific policy of the Government of Texas, whose people entertain no feelings of antipathy against Mexico or her people, it may Suffice merely to refer to the disposition which Texas has constantly manifested, since the battle of San Jacinto, to rely on friendly negotiations in the adjustment of her differences with Mexico, rather than any further resort to War.

Had Texas been disposed to adopt or encourage a hostile feeling towards Mexico, She has had inviting opportunities for invading that country, not only during the domestic conflicts by which from time

to time it has been harassed on the one hand, but also during the embarrassment produced by the French invasion on the other;^a yet the Government of Texas has abstained from any hostile action, reposing confidence in its own aspirations for peace, through the medium of pacific measures of policy, towards the Mother country.

If any confirmation of the continuation of this peaceful disposition is wanted, it may be found in a very recent and highly creditable act of the President of that Republic, who rejected, or rather refused to entertain, propositions of Alliance or co-operation, made in the name, and behalf, of some of the Northern States, by the chiefs of a faction in arms against the Government of Mexico.

Had the Govmt. of Texas been disposed to countenance these overtures, it cannot be denied that Mexico would have been annoyed and embarrassed, by such a course, and thereby Exposed to considerable inconvenience and Expense. This forbearance, under such inducements and advantages, furnishes strong evidence of the earnest desire of Texas for amity, a desire which nothing will destroy, but an evident attempt on the part of Mexico to do her injustice and Wrong; and this injustice and wrong Texas is yet unwilling to expect at the hands of Mexico.

If we look into the actual condition of the Young Republic, scarcely yet passed the threshold of its existence, we find it has been occupied from its earliest moments to the present period in forming and consolidating her institutions and confirming her Political Government, until, as she herself now believes, she stands in a position, both as regards her internal and external situation, to justify her in the claim she now prefers on the parent Country for Recognition, and especially, since Texas is willing on her part to make a liberal, and even generous sacrifice, by allowing a rational consideration for such an act of grace as Mexico now has it in her power to bestow, by a prompt recognition, and a liberal boundary.

If we merely take a glance, at the tranquility which prevails within her borders; the improvements every where taking place; her present, and rapidly increasing population; the present state of her finances, and her future prospects, through the medium of her partially negotiated Loan; her ability for self defence, consisting of a numerous body of Citizen Soldiers, at all times available, and a regular standing force, sufficient for any sudden emergency; also, her Marine, which altho' small, consists, nevertheless, of some eight or ten efficient and well appointed Vessels of War, including an armed steamer; we should find many, if not all, the substantial elements of political stability, as well as self-defence.

If we further examine her external relations, it will be found, that Since her recognition by the United States, (whose Government

^a Cf. notes a, p. 551, and a, p. 552.

has long since established, diplomatic relations and commercial intercourse with her, and is now engaged in running the line of demarcation between the two countries, in conformity with the Treaty between Spain and the U. States) progress has also been made in securing the advantages of an early intercourse, both diplomatic and commercial, with the first Maritime powers of Europe,^a the result of which, so far as is yet known, is an established commercial intercourse between Great Britain and Texas, by which the flag and productions of Texas, are received, and protected, in British Ports, the same, as Mexican;^b and more recently a Treaty of Recognition, Amity and Commerce, between the King of the French and Texas, founded upon principles of perfect reciprocity, and the consequent appointment of a French chargé d'Affairs, near *that* Government.

And it is furthermore believed that England will soon be disposed to adopt a similar course, Satisfied, as she probably is that the true interests of Mexico will be best promoted by a prompt and amicable arrangement with Texas.

Numerous other facts, as well as arguments, might be further adduced, in confirmation of what has already been stated but it is thought entirely superfluous, inasmuch as His Excellency the President of the Mexican Republic, as well as his constitutional advisers, must necessarily be very well acquainted with the true situation and exact condition of things, as regards the subject under Consideration, which, in every point of View, is important.

The principal advantages, which will result to both parties from this, much desired amicable arrangement, (besides the very important considerations of Peace; boundaries; Treaty of Friendship and Commerce) will be those arising from an internal and External Trade between the two countries, both of which are as important, (and probably more so) to Mexico, as to Texas itself.

On the other hand, the renewal of active hostilities by either party, altho' its immediate consequences might not be feared or felt by either, would doubtless be productive of much evil, as it would, Engender a Spirit of hostility, enmity, and revenge, which happily does not now exist, at least in Texas; and would inevitably tend to destroy and obliterate those friendly feelings, which ought ever *to exist* between a frontier population so extended as the one referred to.

With right and proper feelings on the frontiers inculcated by the respective Governments, it would be easy to carry into effect, in good faith, such Treaty Stipulations as might be agreed upon; while ex-

^a Up to the date of this letter, France was the only European power that had recognized Texas. The treaty with that nation was signed September 25, 1839. Ratifications, however, were not exchanged till February 14, 1840. See Gammel, *Laws of Texas*, II, P. 655-662. But see next note.

^b This agreement, conceded by Palmerston in a letter to Henderson, April 1, 1838 (enclosed with Henderson to Irion, April 12, in Correspondence with Great Britain) was in its effect a commercial treaty between Great Britain and Texas.

actly the reverse would be the fact, just in proportion as the frontier population became embittered by further hostilities.

The alternative of War, whatever may be its final results, must be attended with great loss of Lives and Treasure, besides the numerous and unforeseen evils, which always follow in its train.

As regards a passive war, *that is*, a continuation of the present *Statu Quo* of affairs, it is diametrically opposed to the best interests of Texas, as she cannot remain in her present position without a greater sacrifice than she would be required to make, in any other attitude she might be called upon, or think proper, herself to assume.

No course of policy, as regards the Parent country, was Specifically pointed out by the preceding administration, or if adopted, was not acted upon. Under the Administration of General Lamar, this matter having been duly considered, a pacific policy was decided upon, in preference to the adoption of measures of hostility, under a full conviction that at a proper time and after due consideration, Mexico would meet these friendly views, as more consonant with the peaceful Spirit of the present age, as well as in accordance with her best interests, and hence appreciate these overtures of Texas, by according to her peace and Recognition.

One effort has already been made by Texas to make known these amicable sentiments to the President and Government of Mexico; but from various unforeseen causes, which it is not proposed now to examine, this measure produced no result.^a

Unwilling, however to abandon the policy She has voluntarily adopted without first ascertaining the Views and disposition of (the Government of) Mexico, she has now adopted the present course, which, she believes, will be considered entirely unobjectionable, on the part of Mexico; and she is at this moment awaiting the Issue with an interest proportional to the magnitude of the question of Peace or War and the length of time which has elapsed (to her great prejudice) since she first marked out for herself this friendly course.

She has now fulfilled a duty to herself, and performed a voluntary act of Justice towards her parent country, which she thinks should, and will, be appreciated by Mexico; and, in any event, meet the approbation of the friends of humanity, throughout the civilized World.

It may be once more repeated that Texas is now waiting the result, with great confidence, that it will be Such as to enable her to Sheath the Sword, and henceforth become friends and neighbors with Mexico and her people.

Should, however, Texas be disappointed in her hopes and expectations of a friendly and honourable arrangement, she must, of course,

^a The effort referred to was Bee's mission. Bee reached Vera Cruz early in May, 1839, and left before the end of the same month.

prepare herself, (if indeed, she is not already prepared) for the Alternative, and will thenceforward consider herself exonerated from all blame and responsibility, consequent upon the non-Success of this Second, (and probably the last) friendly overture to Mexico, for Peace and all its happy concomitants.

To this hasty, and in many respects imperfect Exposé, other considerations might still be Super-added, and especially in reference to the uncontrollable evils which must result from renewed hostilities, which might be much prolonged; but they are omitted, and will doubtless be properly understood and duly appreciated, by H. E. the President of Mexico, as well as by those who may be called upon to deliberate with him, in relation to this important matter.

The object of this statement has been to represent, in all good faith and with great frankness, the well known wishes of the President of Texas, and the Views of that Government, and further to call the attention of H. E. the President and Government of Mexico to this important subject, in all its various aspects and bearings, with a view to its early decision in relation thereto.

This being accomplished, the preceding facts, inferences, arguments, and reasonings, are, with all due respect, submitted for such consideration and action, as His Excellency the President of the Republic may consider them justly entitled to.

In fulfilling the high confidence which has been reposed in the Undersigned, by the President of Texas, it has been the primary object of the writer to transcribe faithfully the views of the Government of Texas, and at the Same time carefully to avoid everything that could, even in the Slightest degree offend the honor or the dignity of the Republic of Mexico, or its chief Magistrate and Government; and he flatters himself that he has succeeded.

If unhappily he should be deceived, he relies upon the kind indulgence of H E the President, as well as that of Y. E., to attribute it to inadvertence and the very Slender and humble talents with which the Undersigned, unfortunately, has been able to illustrate this highly important Topic.

The Undersigned concludes by tendering his most respectful considerations and highest regard to H. E. the Secretary of State for foreign affairs, and through him to H. E. the President of the Mexican Republic.

Your Excellency's Most obedient Servant

JAMES TREAT

To H. E. Sr. Dn. JUAN DE

DIOS CANEDO, *Secretary of State and
of foreign affairs.
Mexico.*

TREAT TO LAMAR.^a

[Private.]

MEXICO, February 8th. 1840.

SIR.

I beg leave to refer you to my short and very hasty letter of the 1st. instant, covering a *manuscript* copy of the contract between the English holders of Mexican Bonds, and *this* Government, and also, a copy of the *Decree* of Congress, confirming the said contract, to which I then called your attention, and suggested *that* the document was well worth a *translation* and an examination.

According to my promise, I now enclose you, the *instructions* given by the President in *council* to the *Agents* in London for *their* Government in carrying out the provisions of the *contract* and the *decree* of Congress which you will find comprises 24 articles, which complete *the document*. On a hasty perusal of the *whole paper*, the impression was clear on my mind *that* By the *Contract*, the Bondholders of the converted Stock *had* the *General Guarantee* of 100,000,000 of acres of Lands, in the Departments, cited in the 7th. article of the Contract, *first clause*, and *this* Guarantee was to *Secure* the final *total* payment of the principal and interest of *both classes* of *new stock*; and in *case of sale*, to be at \$1.25 *the acre*, the proceeds to be paid to the Bondholders *in Europe*. *This*, I thought *then* was the obvious reading of the *one Hundred Million clause*. A more close examination, however, leads to a different conclusion or Interpretation. The 100 millions, in *some one or more* of the departments named, are *undoubtedly hypothecated*, but *any part*, or the *whole*, in *any one* of these Departments may be disposed of *ceded or sold*, and the proceeds appropriated, *as this Govmt pleases*. So long as they have 100 Millions of acres remaining, in *any of the said Departments*, the *hypothecation* is complete. *Here, or there*, are your, 100 Millions. *This*, interpretation can be given, whether *intended originally or not*, because no *one department* is named but *five*, in either of *any of which* the 100 Millions can be considered as located, for the *Security* of the Bondholders, and the *benefit* of same, in *case* the last 100 Millions should be *encroached upon*. Again, in the Same Article 7th of the Contract, in the *Second clause*; the 25,000,000 of acres are Expressly reserved, or *Specially* hypothecated, and *to be fixed* in a *future decree* of Congress, or Govmt. "in the Departments, of easiest communication with the *Atlantic* and best adapted to foreign Colonization. These said lands are especially and exclusively appropriated to the Deferred or Passive bonds (*being one half* of the *whole debt*, and which bear no interest for 10 years) in case the

"holders wish to Exchange the bonds for Lands, and if the Govmt. "should *Sell them* (the *25 Millions*) the proceeds should be appropriated to the redemption of *these* bonds." You will perceive that these 25,000,000, are to be located by a *special and public decree*. This is not *yet* given, and probably will *not be*, but should it, the Government have the *option* to fix the 25 millions, *where they please* in *any of the Departments*—it does *not* say any of the *above named Departments*, but in *any of the Departments*, *viz.* of the *whole Republic*. It *therefore* appears, that no *part* of *Texas proper* nor any portion of Land *East or North* of the *Rio Grande* is *absolutely hypothesized* to the bondholders, and of *course* they are not entitled to any proceeds arising from *sale cession or transfer*. This *may, or can be*, the interpretation of this *Govmt.* if they *please* to do so.

When persons present *themselves* here, with the deferred bonds and demand a location, under the contract and *Law Referd.* to, then the Govmt *must* say *where* they are to go, or pass this Special order or *decree*. None have appeared yet that I know of, and it remains to be seen *when they will*. My *impression* is that the Govmt. *had in view* the Lands between the *Nueces* and *Rio Grande*, to locate the 25,000,000 or to place the *settlers*; how they will proceed now, or when the time arrives for them to *act*, I cannot say. Thus you have my *views* of the *important claims* of said documents, *but* if you have a *careful and intelligent* translator in the *State Department*, you will find the *whole perhaps* worth translating. All which is respectfully submitted.

I remain with great respect and consideration,
Your most obt and Hble St,

JAMES TREAT.

To Gen. M. B. LAMAR.

Texas.

TREAT TO LAMAR.^a

[Confidential.]

MEXICO February 8th. 1840. P. M.

DEAR SIR:

I beg leave to refer you to my several late advices, 22d. Jany, 31st Jany—closed 1st. Feby, and 1st. 4th. 6th, 7th. and 8th. instant; all which are *yet without duplicates*, which however Shall *very soon* be on their way.

Referring you *more especially* to my Respects of 6th. inst, written *Very hastily* as you will perceive, I will now inform you of the result of Mr. Cañedo's final determination of the *point at issue*, with some

other, not *unimportant* matters, hoping it *may* overtake my *last* of 6th. inst. Should it *not*, it will not probably be *far* behind *those* of my Letters *which* have gone to Pensacola, pr. U. S. Ship *Erie*, nor *those* pr. O. C. Raymond, for *N. Orleans*, as the *Frances Amy* is to sail for the *latter Port* on the 12th inst. I have already informed you that the simple *official* Note of the British Minister, assuring the Secretary of State that he was abundantly satisfied of the sufficiency of my powers and the validity of my instructions, would be sufficient to enable me to proceed, *but* a positive, and more *formal Guarantee*, was required, than Mr Pakenham could give. But as Mr. Pakenham received by way of Tampico on the 6th. inst a long letter from Gen Hamilton dated at N. Orleans, 1st. 2d. and 3d.^a inst. (rather *January*) in which I was referrrd. to, and in which Gen. Hamilton, goes into some details, of the *present* views of your Govmt. it was agreed *that* with this *additional* evidence Mr P should *again* call on Mr. Cañedo, and make one more effort *on this point*. This interview was not effected until Yesterday, when a long conference took place and Mr. P. urged the consideration of the Matter *strongly* upon the Secretary: Stating that *now* was emphatically the time to listen to me, *that* there was no doubt but my powers and instructions were *ample* to discuss and treat, and that there could be no *reasonable doubt* but *that* my *formal powers* and *credentials* would be forthcoming, when I could sign any *preliminary* arrangement, or even a *definitive* one, Should we agree on anything in the *meantime*. The Secretary however, was *firm* in his purpose, and required that the *Guarantee*, full and *formal*, as required, should be given, or the Subject Suspended *until* my credentials reached Mexico. This Mr P. on *his part declined*, and gave his reasons to the Secretary, as he had previously done to me.

It was, however, agreed upon between us before the *final call* that, Should *this* be the result, Mr. P. Should Say, *then* let Mr Treats communications and final propositions be received through me and I will assume the responsibility of the correctness, of any proposals that he may make, Satisfied as I am or *shall be*, when the *case arrives*, that Mr. T. will not propose anything in which he is not justified by his instructions, and *thus* the *Matter* has *been arranged*, and I proposed passing him a Note recognizing *this* arrangement, *so that* he shall not *fly from it*. This shall be done on Monday, and on Tuesday I will present him the *exposition of your views*, as I have drawn it up from the general tenor of your instructions, and what I know to be your wishes, and those of your Cabinet, on the *General Subject*. After this paper (*which* will *purposely abstain* from stating anything from which your, or my, *propositions* can be inferred)

^a Given under date of January 2, 1840, in Correspondence with Great Britain.

Shall have been disposed of by the Secretary and the Cabinet, and produced its effect, (whatever that may be), I shall *then* be prepared to submit my *first propositions*, in view of which I shall *probably* receive an *answer of some Sort*. If it be a *decided* and *unequivocal* refusal, which will not admit of any discussion of the different points involved, I *can then* ask if the Govmt. have any *counter propositions* to make, to see as *fully* as possible, *what their views are in reality*. *That is*, So far as *this* may serve to show them. In the meantime, I shall endeavour to learn through my *private* channels, if *practicable*, *their real and secret views, and intentions*.

This under all the circumstances I have considered as my *best* course. It will Save Some time, if *the Govmt. act promptly*, and with the aid of Mr P I *think* the matter *will* come to *some issue ere many weeks*. Meanwhile, I take it for granted that you will send forward the credentials I have asked for in full and due form and without delay, as I have pledged myself to the Secretary as well as Mr Pakenham, they would be sent, and this would give *confidence* to your views and wishes, for Peace and a *final arrangement*. Even *though* I should reach a *negative* more promptly than I desire or anticipate, and there should hence be a suspension of the Negotiation, I should make known the *fact* to the *Govmt.* that I had *received* my *credentials*, and was ready to receive the *final wishes* of *this Govmt.* *before* my *departure*, for *Texas*, which would be equivalent to re-opening the subject for *further* discussion or any change in *their previous determinations*. *These however*, are merely my *present views*, without any other instructions *than* those originally *received*. Mr. Pakenham has been very much occupied. ever since my first interview, and especially for several days *past*, so that my interviews have been Short, and our conversation confined to the *immediate* point at issue, or the *subject very generally*; but next week, I shall have a long and full conversation with him on all the points involved, and *act then* as may be deemed most advisable, in view of Mr. P's. opinions. I also remark as *Very obvious* that I hope to receive your further advices and commands, *if any*, soon, indeed daily,—and *at all events*, *before* the question comes to a *preliminary issue* with the Secretary, under the course. I have herein conditionally marked out as my probable course, subject to such modifications as may grow out of a *further and full conference* with Mr. Pakenham and *also* subject to any variations that may arise from your further advices, which I await with great anxiety and almost impatience.

I shall examine more closely both the letters from Gen. Hamilton to Mr. Pakenham *particularly* the *last letter*,^a which, being written

^a The first, which was dated November 18, 1839, has not been found; for the second, dated January 2, 1840, see Hamilton to Burnet, January 5, 1840, in Correspondence with Great Britain.

on his return from Texas Should be considered as in conformity with the views of Govmt. so recently ascertained by the General—but at the Same time I think I ought to anticipate your advices in conformity with those of Gen. H.—if his views to Mr. P. *are* those entertained by yourself and Government. I shall *await* them, *that is*, your despatches, for my better Govmt. in the prosecution of the interest of Texas, as regards my correspondence with Mr. Cañedo, and as regards the joint action of Mr. Pakenham and myself; or at least, to enable me to receive his advice and opinions. without the risk of running counter to the wishes of Your Excellency, or the advantages of making the Most of our negotiations, at this *interesting period*. Mr. Pakenham considered the letters from Gen H. satisfactory—*that is*, Mr. P. is satisfied that the views given him by Gen H are authorized, and in conformity with his *powers* or authority, but at the same time, they do not authorize Mr. P— *to act* authoritatively, for he can only say, if he desires it, or if we think it good policy for him to assume anything, as regards Mr. Cañedo, and the negotiation which is now *generally opened*. I *remark* that in this case Mr P. can only say I am authorized by Gen. Hamilton to say, or do or pledge *thus and so*. The question may be put to Mr P.— and who is Gen H? We *know* nothing of him; and *that* would be a *case paralel* to my own, for they virtually say who is Mr. Treat? The answer is a confidential agent with powers to treat. They reply where are his credentials? The only difference is *that* should *they say this* to Mr P, he might say I *Guarantee* this—*So and So*. This however he has declined, in my case. I make these remarks for the *purpose* of adding, *what I know* would be *gratifying* to Mr. P and that is that the DEPARTMENT should address him *direct* and say to him what they desire him to do. This would relieve the difficulty entirely. Then his assertions and statements, would have their full and due weight with the Govmt. There are two courses which suggest themselves to my mind: *one is that* the instructions (in conformity with Gen. Hamilton's letters to Mr P. or otherwise, as Your Excellency may determine) shall come to me (should they not already be near at hand) and Mr Pakenham receive a copy of them at the same time with your request thro' the State Department requesting his good offices in my behalf to carry out views and wishes, through to an issue and that Mr. P. be *further* requested, that if he *can act* in the premises more efficiently with *this* Govmt. than I can, in consequence of his official character and consequent influence, *then* he may consider the instructions given me as to him and he may act with my knowledge and concurrence, (as we should not probably disagree). In this cases, if my credentials came, as I take it for granted they will, I do not see *that* they *can* in any way refuse to confer and treat with me *directly*, and in this case I should always have the counsel and advice, opinion and co-operation

of Mr. Pakenham, whom I should of *course consult*. Or, if the Government or your Excellency *desire* or *prefer* to authorize Mr P. to *act directly* and *independently* then instructions can go direct to him, and you will then please in-[form] me, *how* far my instructions are cancelled, or superceded by those of Y. E. to Mr. P. or if I shall act *jointly* with him *in the business*.

I have only a moment to Subscribe myself, in *Haste* and with great Consideration, your Most

Obedient and Humble Servant

JAMES TREAT

To

M. B. LAMAR

Austin

Texas.

TREAT TO CAÑEDO.^a

TREAT TO CAÑEDO.^b

TREAT TO LAMAR.^c

[Confidential.]

MEXICO *February 15th. 1840.*

MY DEAR SIR.

I have the pleasure to wait on you with the enclosed *duplicates seven* in number, being (with those *already* transmitted) copies of *all my letters* to you, *except one* of the 7th. inst, *accompanying* and *Explaining three* copies of Letters, written to the Secy. of State, Mr Cañedo, *one* of which *only* had been sent him up to the *above date*. *Duplicate* of this letter and the accompanying papers No 1 and 3, I shall have the honor to transmit to you in *a few days, together with other copies* of same character, all which Shall *then* be explained at *More length*, as by this *days post* I have only time to prepare *this despatch*. Hereafter, my *duplicates* shall follow their originals more promptly and regularly than heretofore. As the season is advancing, and the weather becomes milder, my health is better, and I shall not have, I *hope* and *trust*, this difficulty to contend with. The copies, I send you *herewith* were taken by a foreign Gentleman, a friend, who is entitled to my entire confidence. The originals were all written in great haste and confusion, when my health was quite indifferent, and I therefore claim your indulgence

^a February 10, 1849 (No. 7). See Treat to Lamar, February 21, 1840.

^b February 12, 1840 (No. 8). See Treat to Lamar, February 21, 1840.

^c A. L. S.

for the *matter*, as well as *manner*, of their contents and execution. With the *copies*, I trust, they will be *found intelligible*. By my late advices, up to 8th inst it will be Seen *how I then Stood* with the Govmt. or the *Secretary of State*. It is *now* pretty *obvious* that the vacillating course of the Secretary, and his determinations of one day, varied or changed the next, all have had their origin in the desire of this Gentleman to avoid any *official* contact with *me*, as your recognized *Agent*, *hence*, the notice taken of the omission of my *credentials* (altho' this was *rather* to have been anticipated under all the circumstances of the case) and *hence*, after *assenting* to the plan suggested of considering Mr. Pakenham's Letter, which as *proposed* would have been an official communication to the Secretary of State, assuring him that *he* Mr P. was *entirely satisfied* with the validity of my appointment, and *that* any thing I might *propose* within the limits of my instructions would, in *his opinion*, be ratified by your Govmt., if adopted and *ratified here*. Whilst I was led to suppose *that* this assurance from Mr P. would be *amply* sufficient to relieve me from the want of my *credentials*, until *they* should arrive, It resulted, at the *next* interview that the Secretary Seemed to expect that Mr. P. was prepared to *bind* his Govmt. to the *ratification* of any arrangement, *all no doubt* to avoid the responsibility of meeting me. A sort of arrangement was then proposed by Mr P. *that my* communications. to the *Secretary* Should go through Mr. P. who would be responsible, or vouch for them, as we progressed. in the business. This *latter* arrangement had been previously arranged between Mr P. and myself, in case of necessity.

Wishing to *bind* him to this arrangement *before* he should *again* change his mind, I addressed him a *short* note (copy of which with *others* I will transmit in a few days) in which I expressed my regret that the *Guarantee* required of Mr P. was not such as he thought he could with any propriety give, and assenting to his plan of receiving my written communications, promising him *that* I would in a few days *address* him *at length*, conveying the views and feelings of the Govmt. of Texas, as regards the matter under discussion, as we had verbally agreed upon etc. etc.

On Mr. Pakenham's delivering the Secretary this letter, he again, became *unquiet*, and *Said* that Mr P. had misunderstood him, *that* communications *signed* by me (tho' simply with my name, and *without* any title of *Agent*, etc.) was what he *wished to avoid*, as *this* would be to *treat* with me *as agent*, and altho' he was personally and individually satisfied of my appointment and powers, yet I had presented no *credentials* which would justify him, as the organ of Govmt. to open a discussion *with me*, on the apparent objects of my mission. But that he had intended to say, that Mr P. might hand him any paper or communication he pleased touching the matter at

issue, that he would receive it, and place it before the Government for their knowledge. The Secretary *adding* [that] these communications *of course* will be without Mr. Treats signature, and I^a shall receive them *as from Mr. Pakenham* etc. etc. Notwithstanding *all this*, the Secretary retained my letter duly signed by me, and officially addressed to him as Secy of State; and on *yesterday* I handed Mr Pakenham my Exposition (essentially a copy of *that* sent you under date of 7th. *inst.* an exact copy of which I will *send you*, in a *few days*.) but, that the Secretary should have no *pretext* for returning it, either *before* or *after personal perusal*, it was thought *best that* it should *not* be addressed *officially* to him, nor should it bear any signature *at all*.

Mr. P. [said that he] would present it *yesterday* or *today*, and we agreed *that* he should (the Secretary) be allowed *Some days*, for its examination and translation, before we again approached him on the subject, as it was desirable that it should [be] laid before the President and Cabinet, and have their *consideration* and *deliberation*.

Mr P. thought best to shew this *Exposé* to the Secretary for the *Home department*, a man of intelligence and influence with the President, before, handing it to the Secretary of State. I, shall not see Mr P. until *tomorrow*, to know *what*, if any thing, the Secretary may have said on its delivery. I take it for granted it will be received, but what effect it may produce, *time* must shew.

Thus, Sir, I have given you the *facts* of the *case*, and how this very simple matter of *approaching* the Mexican Secretary has been prolonged and twisted about, by the fears and apprehensions of a *timid* and *vascillating*; (tho' Very gentlemanly) personage, at the head of foreign Affairs in Mexico. You can, Sir, draw your own inferences from the statement already given, but should perchance my *opinion* and *version* of the whole matter be esteemed of any value, I will give it to you.

1st. The present Govmt. or Cabinet *could not* refuse to hear me in *some* way or other, for they had authorized Mr. P. before my arrival to say that if commissioners from Texas appeared, they should be heard. This, however, I *only knew very recently*. and besides *this*, they *were* no doubt apprehensive of the consequences of any *direct* refusal to listen to me, coming to them *Secretly*.

2d. They are *nevertheless*, afraid to have it known by the Public *that* they are entertaining the Subject of *any arrangement* with Texas, while they are *endeavouring* to raise money thro' *Congress*, as *they say*, to *reduce Texas to order*; and the opposition and Santana's^b party would make a *great hue and cry*, and the members of the Cabinet *might* lose their places in consequence. In *other* words,

^a Cañedo.

^b Santa Anna's.

they are *too weak* as a government, to Stand any *new shock*, which might *fall* upon them if they were *openly* to *favour* an arrangement.

3d. Consequently, while they are compell'd, *as it were*, to *hear*, but are *obliged* to hear Secretly, the Secy. is obliged to Shield *himself* and the *President* and *Cabinet* under Mr. Pakenham's wings—so that If the Secret (at present) of my being here with powers to make proposals Should leak out, *and* the Govmt. be called upon to say *what*, if *any* thing, they have done in the Matter, *they can* Say *they* had nothing to do with the Agent, whose powers were *not* complete, but *that* Some overtures had been made by Mr. Pakenham, to whom they were obliged to listen, as he had been directed by Lord Palmerston to make *inquiry* as to *what* this Govmt. intended to do, etc, etc. and *thus* cover themselves from the effect which the opposition would endeavor to produce against the present Ministry. Knowing *this* to be the *dilemma* of the Govmt. I have been disposed to assent to *every thing* that has been required, and go for my *first* main object, that of placing before them Your Views, and *compelling* them *thus* to *give ear* to your views and wishes. Of course, I would not, under Such circumstances, stand upon any matter of form, which would stand in the way of a hearing of my case. So *far*, then, I have *succeeded*, in my *first objects*. In speaking of the *Opposition party*, that is, the Leaders of the Federal party *here*, opposing this administration in any amicable arrangement, You must *not* understand me to say they *oppose* the Texas question, or any part of it, on its merits; *but* they stand ready to *pounce* upon every thing the Govmt do, to render it *unpopular*, and endeavour to bring about a *reaction*, and they would of course, avail of this *Texas question*, if they could, to excite the *popular feeling* against the Ministry and President, and if possible, would *hurl* them from their places, *while* the moment *they* the *liberals* get Snugly *in place*, they would no doubt *treat* in *earnest* with Texas for *Some* arrangement. I am most *thoroughly* satisfied that Gen. Bustamante and the *whole* of his Cabinet are entirely convinced *that* they can *never* re-conquer Texas—and *that*, so far as the good of the country is concerned their best policy would be to *recognize* at once, Settle *all* pending questions, and secure the indemnity *now proposed*. But, as the men in *power* are acting for *themselves*, and their continuance in office, and under party views and dictation, the present or future *good* of the Country, is the *Secondary* consideration, but *not* the *first*, by any means. The present administration is not very secure. They have been in power *now* six months, and, in my opinion, it would not be strange, if they did not complete this year. Yet there is no such thing as calculating in advance on *any thing*. They are so *changeable*, and there is so much open corruption and demoralization in *all ranks* of Society,

that mens opinions are anything *but* fixed—they may be what you please *today*, and *to-morrow* converted, *alias* corrupted.

Notwithstanding this unfavourable picture which does not look like a prompt or favourable result to my mission, I still hope that the convictions of the Government will be so strong in favour of *some arrangement* that they may yet venture to enter upon *some stipulations very secretly*, and trust to their *future increased strength* some months hence, to let them come to *light*. Some favourable conjuncture may give them *courage*, and if *frightened a little* on the score of Consequences, they may consent to do something.

As regards, the matter of the Bonds, and the real Stipulations between the holders of the *new* stock and this Government, I beg leave to refer You to my two Respects of 1st. and 8th. instant, *both* covering the *contract Law of Congress*, and the *instructions* of this Government, which, when you have them translated, together with my Explanatory remarks will be no doubt be well understood, by Yourself and Judge Burnet.

In relation to Mr. Pakenham, I *confirm* all I have before said in favour of his good offices and valuable Services. He continues to desire to do all in his power to *aid me* in my plans, and to urge upon the Govmt. the necessity of adopting *some course* in regard to this business. He admits *that of right* the Bondholders would have no claim to the indemnity which might be paid to Mexico for the independence of Texas, *but* at the same time, would be *most happy* if he could obtain *this amount for them*, in case any arrangement is entered into, as contemplated by Texas.

This, *alone*, would stimulate him, together with the credit he would acquire as *Mediator* or *interventor*, in the Negotiation. But independent of *these* considerations, he really seems to be devoted to bring about Some favourable result to *my mission*. Mr. Pakenham and myself *agree* that to open any negotiation in *London*, or *transfer to that city for conclusion*, anything that may be commenced here would be very bad policy, as it *might*, and probably *would*, *procrastinate* the negotiation almost *ad-infinitum*, particularly if this Govmt. desired to prolong the Question and any change in the Govmt. or even in the *Ministry* would require a renovation of powers, and, on any point, on which their *Agent* might not be fully instructed, he might, merely *to gain time*, wait for further orders, and thus the matter be kept open, until you should be tired of waiting for any result. The *Mediation* of Mr P. is very well, and *advantageous*, *here*, and it is *here*, and at N. Orleans, where the matter should be *begun* and *finished*. Commence and fix upon a basis *here*; and let their Commissioner proceed to N. O. to fix any of the details, and exchange Ratifi-

cations. *This is decidedly* the best course, in my opinion. Should I succeed in getting them to enter upon any arrangement. All this, may be *quite premature*, as we may never reach *this point*.

But *should* we, you here have *My opinion concurred in* by Mr Pakenham. I must, however, bring my present remarks to a close, at least for this *post*, altho' much more might be said. I trust, *nevertheless*, that I have said enough in this communication, together with my *former. advices*, to shew you that I am devotedly and faithfully engaged in bringing about your wishes and desires, for the interests of Your Country, or at least to ascertain *what, if anything*, this Government *is-disposed* and *able to do*. Whether I have proceeded, in the course I have thus far adopted judiciously or not I submit to your *own better judgment*. You will on receipt of this know exactly how matters *now* Stand. The chances are still much against my success, and still I *have hopes* of obtaining *some thing*—getting from them *some propositions*. I think a *plan might* be devised which would *soon bring* this Government to grant a peace and recognition, in Case they should *now entirely refuse* to assent to any of *Your Propositions*. I may *submit this plan* to your consideration at a future day, for *whatever it may be worth*. It might be considered as *preferable* to a mere armistice, if *that should be ALL this Gov-*ernment is *willing to propose*. I trust that ere long I shall be *further* enlightened by your additional instructions *rendered now* not only *very desirable*, but almost *absolutely* necessary, and Especially if you have adopted the views communicated by Gen H. to Mr Pakenham as regards an armistice, until *April 1841, conditioned* that this Govmt *meantime* agree to negotiate a *peace, Recognition, and boundaries*. Pray, my dear Sir, give me your *further and full* views and wishes when you send my credentials, or if not *done already*, immediately on receipt of *this*. I have not had the full conversation I promised myself with Mr. Pakenham, but *shall next* week, and will then *report* the result. I have *not* received a *Texan newspaper* or *letter* since my *arrival here*.

I am most anxiously awaiting some arrival from N. Orleans at Vera Cruz—which I am sure must bring me *something* from you. I hope my *request about funds* will have *met your sanction*, and that I shall *soon* be so apprised.

I remain with great Respect and consideration, Your obedient Servant,

JAMES TREAT.

To

Gen. M. B. LAMAR

Texas.

TREAT TO LAMAR.^a

[Confidential.]

MEXICO February 21st. 1840.

MY DEAR SIR:

Under date of 7th. instant, I had the honor to address you a communication, covering *three papers*, No. 1 and 3, being *copies* of letters sent, and intended to have been forwarded to Mr. Cañedo, Secretary of State; with *such explanations* as I deemed necessary to a correct understanding of the position of things here and the motives which, induced said Communications; *all which*, with my subsequent and separate advices of 8th. and 15th. instant, will give you the *minute details* of this part of my proceedings, with Govmt.

I have now the honor further to wait on you with Translations No. 4 and 5, and copies 6, 7 and 8, which will complete my letters thus far to Mr. Cañedo. And I beg leave to adopt the same course in transmitting to you *these papers*, as when I forwarded the *first three* of the series—viz., that of brief explanatory comments on each, for the *same reasons* given you in my former letter of 7th. instant, to which, and documents enclosed, I beg reference in connection with *this letter and its enclosures*. No. 4. is a Translation of a *private* letter to Mr. Cañedo, which will *mainly* explain itself. I was restricted by *circumstances of policy* from saying much in my letter sent to and received by Mr. Cañedo, marked No 2. (*It being substituted for my own, marked No 1*) and I thought that a *private friendly* letter, in which I could say *what I pleased* without committing Mr. Cañedo as Secretary, Would, or might, produce a good effect, and in no way do *any harm*. It was well received and verbally acknowledged through Mr Pakanham with satisfactory reasons for *not giving* it a formal reply.

No. 5. Translation of a *private* letter to Mr Almonte, which, in like manner, may sufficiently explain itself. But, permit me here to remark as regards this Gentleman that I had made *two passing* attempts to obtain a *general* and *friendly* interview with him, which he had avoided, and I knew he would, as a member of the cabinet, know all my movements, and doings with Mr. Cañedo and the Government. Knowing, moreover, that he would be opposed to my objects, *at least*, at the commencement, and in proportion as he found this opposition, met with the support of *some of his colleagues*, and the concurrence of the President; and further, being informed *how far* he had committed himself with Congress in sending down from his Department the *Iniciation of ways and means* to carry on the war against Texas and the *other project*, declaring it *Treason to talk or write* in favour of the Views of Texas or in reference to the dismemberment of the Territory; I say, *aware of these things*, and

fearing his influence, I wanted to do something to conciliate and please him; and [so I wrote] my letter to him, which I thought could do no harm, (even if he exhibited it) and might soften him down a little. To it however, I have received no reply *whatever*; perhaps because he is still committed with Congress in the passage of the above Laws, which are both still pending, and drag heavily along in the chambers; or, it may be, because he means to stand entirely uncommitted until he sees what course the Govmt. and Congress will probably take as regards the Texas question generally.

No. 6. Is copy of a letter I had prepared, to follow up the course opened to me, (as I then supposed) by the personal interview I had on the 1st. of Feby. with the Secretary, not doubting but Mr. Pakenham, (as he had agreed to do) would remove the difficulty of absence of Credentials, as would have been the case, had not Mr. Cañedo changed ground and discovered that it would be very convenient to him, as well as the Government to avail of the circumstance of my not having the usual credentials to avoid further direct communication with me as Agent, and thus throw all the responsibility on Mr. Pakenham.

No. 7. Was adopted in place of the above, written in official form, and duly signed by me, with my own name merely, and, notwithstanding, on handing it open to Mr P. for delivery, he said he did not think it would be received, because it was signed by me. I desired him to try it, and if rejected on that account, he might withdraw it, without throwing any new obstacle in the way of my primary object, viz. that of placing before the Government the Views of Texas, as drawn up by me and already transmitted you. This letter was received, notwithstanding objections were made, which shews that the Secretary does not always think alike on these points.

No. 8. was written for the purpose of giving an official form and character to my Exposition; but on handing it to Mr Pakenham for delivery or transmission, he was so strongly of opinion that the form of the communication would cause its rejection by the Secretary, that I was, (very much against my inclination) induced to alter the form, and hand the paper without address or signature, and merely dated in Mexico February 13th. 1840.

Mr. Pakenham accompanied it with an official letter, recommending its contents to the particular consideration of the Government.

Nothing since has occurred between us, and I felt quite willing they should take a little time to translate and consider it on the part of the President, as well as the different Members of the Cabinet. In the meantime I have persons in my confidence, who can approach them all as opportunity offers and remove the rough and wirey, edge of their first impressions, (which are apt to be most alarming) on the subject.

If the Secretary intimates a wish to receive the *propositions* to which *all this tends*, they shall have them, after due consultation with Mr. Pakenham, of course. If the Government choose to *rest here* for a while, I may find it *very convenient*, for in the *meantime*, I shall *not be idle* in bringing such influence, to *bear* on parties as shall be calculated to produce a good effect. They are *Slow*; and this is a *frightful subject*. Let them become a little more *familiar* with it, and let congress *Reject* the two *projects* before them, and I shall *hope*, then, for some *action*, some *approximation* to the subject, and *perhaps* something like a disposition to arrange the matter on some *reasonable basis*. Meanwhile, I *still remain unknown* to the *public*, as having anything to do with the *Government* or with *Texas*; and *this enables* the *Govmt.* to *weigh* and *reflect upon* the *question*, without any *interference*, on the part of *public out door opinions*, or the *criticisms* of the *Press*.

All which is *Very respectfully submitted*, in the *hope* that the course I have adopted *thus far*, may meet with the *favourable consideration* of the President and his constitutional advisers.

I Remain, Dear Sir, Very Respectfully,

Your most obedient and Humble Servant,

JAMES TREAT.

To

Gen. M. B. LAMAR

Austin,

Texas.

[Translation.]

MEXICO January 24th. 1840.

[*"Private and Reserved."*]

MY DEAR SIR.

In sending you, as the proper organ of the Government, the accompanying communication in relation to an important subject, I cannot do less than to address you a *private note*, in view of the friendship and good feelings which has *heretofore* existed between us, *which, on my part*, I have *not* forgotten, nor shall I soon *forget*.

If there *was* a time when you have known me interested in the welfare of Mexico, I am not less so, *now*. If when you *best* knew me, you was satisfied that I was a man of *honor, frankness, and good faith*, you may *now* repose in entire confidence that you will find in *me* still the same honourable principles.

I have been much gratified to find that in the fulfilment of the duties which I have assumed, in regard to the subject matter contained in my *other communication*, I shall come in contact with a person whom, I have *before known*, and, who *has known me*; inas-

much as it will *thus* be more Satisfactory to discuss this question, even altho' it may not increase the probabilities of its happy termination.

What I beg of you is that you will believe me when I assure you that if I have accepted the mission to which I have referred, it has not been *exclusively* to render a Service to Texas, but *also* because I thought I should be rendering an important *one* to your own Country. On this point, it would be easy to satisfy you, which I can do hereafter.

What I desire is that *the Government*, of which you are a distinguished Member, Should *listen to* the sentiments and wishes of the Government of Texas, and *weigh* the *reasons* there are in favour of an *amicable arrangement*, before you decide upon a question which, *If I do not greatly err*, is one of great interest, in any point of view in which you may consider it.

In fine, I wish to have the pleasure of contributing with my *Very feeble efforts*, united to your own, which are *very*, if *not all-powerful*, to the adjustment of the differences which exist between the two countries, and I believe the *present* the most *opportune moment* that can ever present itself to effect this object.

So much the more satisfactory would the fulfilment of these wishes be to me, as I most firmly believe, that the true interests of your country will be promoted by the *peaceful termination* of this question. *But*, be this as it may, permit me to salute you *individually*, with all that regard due to the friendship and confidence with which you have honoured me in times past and to reiterate the respectful considerations to which you are entitled, from your *former*, as well as *present* friend,

And obedient Servant etc. etc. etc.

Signed JAMES TREAT.

To. Mr. J. D. CAÑEDO, *etc. etc. etc.*

P. S. You will pardon the haste with which I address you—neither my *time* nor *health* will permit me to recopy.

[Translation.]

No. 5. "*Confidential.*"

MEXICO January 24th. 1840.

MY DEAR SIR.

It is now some weeks since my arrival in this city, and, if I have not yet had the pleasure of seeing you as I desired, it has been because I apprehended that on *your part*, you was *disinclined* to a *friendly interview*, which I have *inferred*, as soon after my arrival at the Capital I sent you a message with my *personal respects* through our friend Commodore Lopez, to *which* I received *no reply*.

But *whether* this *inference* is correct or not, I take much pleasure in addressing you these few lines, renewing the intimacy and friendship with which you have honored me for so long a time. If I may be permitted to *assume* that there is *no* good reason why we should not now be as good *friends as ever*.

I will, then, be candid, as I am accustomed to be, and say to you without circumlocution that I am here as an *Agent*, entirely *confidential* and reserved for the *present*, of the Government of Texas, to confer with *that* of *Mexico* touching an amicable arrangement which will put an end to the differences which now exist between the two countries in a manner honourable and advantageous to Mexico, as well as Texas.

Today or tomorrow I shall address the Secretary of State in relation to the objects of my visit, soliciting a *private interview*, as, I am inclined to think, is most advisable for the present.

I am aware that this announcement will not surprize you, and I am *furthermore fully* persuaded that the position you occupy in the Government; the particular knowledge you possess in relation to this subject; and the great influence you possess with the President and your colleagues in the Cabinet, will give your opinions much weight in the determination of your Government, as regards the matter in question. I say this, because I *believe* it.

Under these circumstances, and with my opinions already before you, I address you this letter, in the hope that you will, as Minister and an ardent well wisher of the future prosperity of your country, take into consideration, this business, and reflecting thereon with your usual intelligence and patriotism, you may perchance satisfy yourself that the time has *now arrived* in which your Government may *not only listen* to the friendly and pacific views of the Govmt. of Texas; but, also, *when* measures may be adopted conducive to a good understanding with your Northern Neighbors, and thus put an end to your mutual differences, and avoid the inconvenience of a prolonged struggle.

But, whatever may be your opinions in regard to this question, and altho' I may have erred in thus anticipating your views, I trust you will listen to and weigh the reasons and advantages which may be justly alledged in favour of an honourable and *advantageous* arrangement to both parties.

It would be Very gratifying to me to be able to contribute to the final and satisfactory arrangement of so interesting a question both to Mexico and Texas. You will *yourself* render an important Service to Your country, if you *view this subject as I think you will*. By co-operating with me in the use of your influence for the same laudable and patriotic purpose, and *thus* securing the advantages now attainable by Mexico, and also avoiding the sad consequences which might result from leaving matters *as they now Stand*.

While I submit the above remarks to your *candid* consideration, I assure you that, in so doing, I am animated by no sinister design but act in *entire good faith*, and *also* with the *best* wishes towards your own country.

You will pardon the liberty I have taken, if it be undue, and accept the sincere protestations of my friendship and consideration.

Any reply you may think proper to send me may be addressd. to me at *No. 10, Vergara St.*

I Remain Dr. Sir Your Most obt Servant

Signed

JAS. TREAT

To

Sr. J. N. ALMONTE.

Copy.

No. 6.

MEXICO *february 4th 1840.*

MOST EXCELLENT SIR.

In the interview with which Your Excellency honoured me on Saturday the 1st inst, at the Department of State, Y. E. adverted to the omission of my *formal credentials* under the seal of Texas, and the remedy was suggested that under the *Guarantee* of H. B. Majesty's Minister resident here, this omission, (arising altogether from accidental circumstances which I explained to Y. E.) might be supplied, Until said Document in due form should be transmitted to me, according to my *Special request* forwarded to the President of Texas, on the day of our conference.

I have now the Satisfaction to inform Y. E. that having conferred with Mr Pakenham, H. B. Majesty's Minister, and he has very kindly offerred the Guarantee required, being in possession of satisfactory evidence other than that contained in my instructions that I am duly appointed and constituted *private* and *confidential Agent* of the Government of Texas, for the purpose of Entering into an adjustment of existing differences between the two countries. Mr. Pakenham, who will hand you this note will at the same time arrange the *Guarantee*, so that I can *then*, as agreed upon, proceed to place before Your Excellency in writing the Views and wishes of the Govmt. of Texas, more at length, than I had an opportunity of doing in consequence of my indisposition, when I had the honor to see Your Excellency. I avail of this opportunity, to offer to Y. E. my very respectful considerations, and highest regard.

I am Y. Es. Most Obt and Hble Servant

Signed

JAMES TREAT.

To

H. E. J. D. CAÑEDO.

etc. etc. etc.

Copy.
No. 7.

MEXICO *feby 10th. 1840.*

MOST EXCELLENT SIR.

In the Interview with which Y. E. honoured me, on Saturday the 1st. inst at the Department of State, Y. E. adverted to the omission of my *formal credentials* under the Seal of State of the Govmt. of Texas, and the remedy was suggested *that* under the *Guarantee* of H. B. Majesty's Minister resident here *this omission* (arising altogether from accidental circumstances, which I explained to Y. E.) might be supplied, until *said credentials*, in due form, should be transmitted to me, in conformity with my *Special request* forwarded by duplicate to the President of Texas, on the day of our Conference.

I regretted, however, to learn from Mr Pakenham, on Saturday last, that he could not with propriety give the Guarantee required by Y. E. to relieve me from the difficulty above cited; Y. E. was pleased to inform me, through H. B. Majesty's Minister, that any written communications I might think proper to address Y. E. on the Subject of my *confidential mission* would be received throught the medium of Said Minister.

I therefore embrace this early opportunity to Salute Y. E. and to remark that I shall have the honor to transmit to Y. E. in a few days, and through this Same channel, the sentiments and views of the Govmt. of Texas more at length than I had the opportunity of doing *verbally* on the occasion of our interview, and in conformity with our understanding at that time.

Meantime, I have the honor to subscribe Myself, with great respect and consideration,

Y. E. most obedient Servant,

Signed JAS TREAT.

To H. E. J. D. CAÑEDO,
Minister, etc. etc.

Copy.
No 8.

MEXICO *february 12th. 1840.*

MOST EXCELLENT SIR.

In the interview with which I was honoured by Y. E. on the 1st. instant, my indisposition prevented me from communicating to Y. E, *except very briefly*, the Views and Sentiments of the Government of Texas and Y. E. at my instance was pleased to say that I could present them in writing opportunely: I now therefore have the honour, to subjoin the following:

"Brief Exposition"—(Here follows the paper, which I had prepared for this purpose, and at the conclusion I inserted, *as follows*)

The Undersigned has omitted to State the propositions he is authorized by his Government to Make to the Govmt. of Mexico, as perhaps improper to make in this communication. He will, however, present them *in writing* whenever his Excy. the Secretary of State Shall be pleased to intimate to the undersigned his readiness to receive them.

Note. The *Exposition*, has been forwarded as *No. 3*, under date of *6th feby.* The paper sent in is *essentially the same*, with a few *unimportant omisions*. *True and Exact Copy of that sent to the Secretary* shall be transmitted with *Duplicates of the other communications* connected therewith in a *few days*.

TREAT TO LAMAR.^a

[Private.]

MEXICO february 22d. 1840.

MY DEAR SIR.

I have nothing of *moment* by *this Post* beyond what you will find in the *accompanying* communications. I received a long and satisfactory letter from Gen. Hamilton, dated at N. Orleans, 3d. January, which I have replied to *at length*, on the *20th. inst.*,^b and, shall again address him whenever I can inform him of *further progress*.

I am most anxiously awaiting to hear from you, or the *Department*, as, *if Gen. Hamilton's suggestions and recommendations* both to Mr. Pakenham and myself are *in accordance* with the *views of Government*, then, of *Course*, I must *expect new and corresponding, instructions* from You. I hope and trust, it will not be long, before I shall have the satisfaction to receive them *at length*.

I need not again call your attention to the contents of my several *late despatches* and the request for my *full credentials* and *further instructions*; as I doubt not, they will be on their way *ere this* reaches You. I have *heard Very recently* that the *plan of Government* is to place on or near the *frontiers* from *5000. to 10,000 Men* (as they *best can*) in the *Expectation* that they can then, *negotiate*, on a more *advantageous footing*, and obtain *better terms and conditions* than they can *now expect*. I should *not* be surprized if they should, *desire* to do *this*; but their ability to carry out the *project* on the score of means, I *doubt very much*; even if *Congress Sanction* the measure, which at the *present moment* May perhaps be *questioned*. If I find *this idea* well grounded, I will *further advise* You, and in the meantime I only mention it as a *rumour*, based probably on the wishes of Govmt, rather than any *fixed determination*.

^a A. L. S.

^b No copy of either of these has been found.

For my own part, I do not believe they have come to any determination *whatever* on the general question of Texas. When they overcome their first difficulties, that of making up their minds *whether* they can safely take hold of the question *in earnest*, and decide *how* this delicate matter is to be approached with safety to the popularity of the Cabinet and President, then they will decide *what* will best suit their purposes.

Then they have to depend on Congress for means to prepare for hostilities, if that be their course, which it will be difficult for them to obtain.

If they are disposed to treat in *Sober earnest*, then, they will require the authority of Congress to negotiate. If, as I hope, they wisely come to the latter determination, I think Congress will grant the powers. If Govmt. are so *timid* that they are *afraid* to ask *openly* for powers to negotiate, then we must bring out the proposition from some *anti-Administration source*, and let enough of the Govmt. in, each House go for the measure as, with our friends will carry it through both branches. To some one of these results, the matter will probably come sooner or later. This is my own impression AT PRESENT.

From Canales, we know nothing certain, the accounts place him beyond the Rio Bravo. Arista is, with about 1000 men, at Monterey, Canalizo, with some 1200, in Matamoras, and Ampudia has, say, 600, in the same Vicinity; making about 2800 Troops, say 3000. Two thirds of this force might march to the *del Norte* in pursuit of Canales, put matters right on the frontier, and be on the Spot in readiness to form the Nucleus of the new invading Army; or the Division to alarm Texas into a liberal peace, and perhaps restricted boundaries: that is, if they can carry through the views attributed to them.

Where the money is to come from, I know not, even to maintain the forces already there; and the Senate has, on the 17th. inst, rejected the bill from the House asking for provision and means to enable the Government to "Restore Texas, to the National Union." It will, perhaps, be modified in the House, and if it obtains a two thirds vote; it can return again to the Senate, otherwise, not. We shall see. The French Minister has arrived, and was received day before Yesterday. His name is, Baron Alleye de Ciprey.

Mr De Lisle, is indisposed.

I Remain, Sir, with regard and consideration

Your obedient Servant.

JAMES TREAT.

To

Gen. M. B. LAMAR—

Texas,

TREAT TO LAMAR.^a

[Confidential.]

MEXICO Feby. 29th. 1840.

SIR,

I have the honor to enclose you by *this day's post* the following *Duplicates*—viz., *Dup.* of my respects of 7th. inst. covering *dup.* copies of *papers* No. 1 and 3 *inclusive*: also *Dup.* of my respects of 21st. inst. covering *dup.* copies of papers No. 4 to 8 *Inclusive*: and *Duplicates* of my *last two* communications, under dates of 15th. and 22d. *inst*; to *all which* I beg leave to refer you, in case *their originals* respectively should *not* have been received.

I send the above with this letter to *Vera Cruz* by *this evening's post*, but it will depend on circumstances *whether* they all go in *one*, or are divided *between two different Vessels*, bound to *N. Orleans*, and *they* will complete the duplicates of all my letters, up to *the present date*.

I am *still* without any advices from *Yourself* or the department, tho' I am daily expecting them. I learn *indirectly* that *Dr. Ritchie* had received my *despatches*, up to 20th. December, previous to 13th Jany. and I trust my *subsequent letters* have all arrived *safely* and promptly.

I regret that I am not able to report *further progress* in my *affairs* since my last of 22d. instant.

All we know is that my *Exposition* has been translated and submitted to a *Cabinet counsel*, and *Still* remains under the consideration of the Govmt. without any reply *whatever* to Mr. Pakenham. I presume the Govmt. have been very much occupied on *business* of preference, as they have received news from *Yucatan* and other points which is unfavourable to the continuance of tranquility in *that Department*.

Mr Pakenham will press the Govmt. to an early decision on his *own account*; as he is very desirous to *transmit some determination* to Lord Palmerston. I presume during the coming week we shall hear *something* from the Secretary.

The advices from *Yucatan* above *referrd.* to State that the revolution that has been on foot there for some time is making serious headway, and it is feared the whole department may concur in the *grito* for federation. It is said that troops are to be sent from *Vera Cruz*. It is *difficult*, to learn *facts here*, but the next arrival will give us something decisive of the *first movement*. Private *letters* speak of the movement as *Very general*. An *abortive* movement at *Perote* and another on the *South Coast* shew that the elements are in com-

motion. The death of General *Cortazar*, Governor and commandant general of the Department of *Guanahuato*, which State, has always sustained its *independence* and never bowed to *Centralism*, leaves a *Vacancy*, which it is difficult for the Govmt. to fill without some disagreement with the *local* authorities and Troops.

A Sort of *Rupture* [has occurred] between *Arista* and *Canales* who were negotiating an arrangement or an *armistice*. And the continued *labours* of the opposition and St. Anna's party give the Govmt. many *unquiet* moments.

I *regret* all these things, for they are *all calculated* to fetter the *hands* and distort the *heads* of Govmt. and render them *more timid* as regards our affair.

The measures before described Still *hang in Congress*. The *Texas*, *bill* has not *yet* been called up for discussion *since* the committee of the *House*, withdrew their report, and changed the tenor of the contribution.

The Bill declaring it *Treason* to advocate the *rights of Texas*, and that abridging the *liberty* of the *Press*, are both still pending. The *fate* of all three of these measures may be considered doubtful. The two *latter*, the Govmt. will not press. The *former* they would like to *carry*, as it would give them *means*, tho' it is doubtful if much of the amt. would go towards *renewing* the War against Texas.

I have heard nothing since My last *about* the rumoured project of Sending 5000 or 10000 Men on to the frontiers. It has all probably been forgotten in the Multiplicity of *other* Matters of more immediate consequence. It is further Stated, that Mr Almonte, is desirous, to go to *London* as *Minister*; and Mr Cañedo will go to *Washington* as Commissioner, *under* the convention between this Govmt. and the U. States.* I should not be surprized, if both these reports Should *prove true*—particularly the *latter*, Tho' I wish the *former* might take place *forthwith*, as his *influence* against us would *then* Cease.

I am Sorry I have Nothing of *greater interest* to communicate, *but So it is*. I *hope* in my next I shall be able to say *something more cheering*. The *french Chargé* Mr *De Lisle* will be *obliged* to remain here some *time* with the *New Minister*.

Very Respectfully

Your Most obt Servant

JAMES TREAT

To Gen

M B LAMAR

Texas

* Of April 11, 1839. See *Treaties and Conventions of the United States*, etc., 676-679.

BURNET TO TREAT.^a

REPUBLIC OF TEXAS

DEPARTMENT OF STATE

Austin 12th March 1840.

JAMES TREAT Esqr

SIR,

I have the pleasure to acknowledge various communications from you directed to the President, the most recent bearing date the 8th Ulto.

This Government has omitted to address you heretofore, because of the peculiar delicacy of your position. That obstacle to a free intercourse being removed by the formal disclosure of your Mission to the authorities of Mexico, It affords me great pleasure to be again the medium of communication between the President and yourself.

During the late session of Congress the President completed his cabinet organization, by inviting the Honorable Abner S. Lipscomb into the Dept. of State. Mr Lipscomb being at present absent, on private business, at the special request of the President, I again take temporary charge of the Department.

We have been much gratified with the zeal and prudence you have manifested, in the discharge of the very important and delicate duties committed to you, and the President requests me to assure you of his cordial approbation.

A commission as Agent with plenary powers is herewith transmitted, authorizing you to negotiate a treaty of Recognition, amity and boundaries, and to stipulate for the future making a more ample Treaty of Commerce etc, It is not thought advisable to embarrass the present preliminary negotiation with any of the little but often vexatious questions relating to the commercial intercourse with Nations so situated in juxtaposition as are Texas and Mexico. If Mexico is sincere in desiring peace, the Government of Texas will always be disposed to reciprocate every benefit which the respective intercommunications of trade may confer, but these must be adjusted as between independent powers.

I enclose you an official Letter to Mr Pakenham, to whom we feel under many obligations for the very frank and honorable manner in which he has assisted your efforts. That the Government of Great Britain will eventually realize important benefits from the separate independence of Texas in the hands of the Anglo Saxon race is a fact too obvious to escape the discernment of so intelligent a Gentleman as Mr Pakenham, and he has wisely anticipated events by imposing essential obligations upon this infant Government, which it can never cease to recognize and appreciate.

^a See Records of Department of State (Texas), Book 54, pp. 14-17.

I do not know that any further specific instructions are necessary. The future and permanent harmony of the two powers requires a well defined line of demarcation. The Rio Grande presents one and is eminently adapted to the purpose.

You will freely consult with Mr. Pakenham and so far as may be practicable without jeopardizing the ultimate objects, you will conform to any suggestions he may make relative to the final disposition of the consideration to be paid to Mexico.

This Government can have no objection to the British holders of Mexican bonds deriving an incidental benefit from the negotiation in which you are engaged. But we believe that even great Britain has an eventual-beneficiary interest in the success of your efforts, which will be paramount to any present advantages that can accrue to those bond holders, and that therefore the appropriation of the instalments to *their* benefit should not be permitted to embarrass seriously your principal operations.

You are informed that certain Chiefs of the Federal Party are in arms in the vicinity of the Rio Grande, and that some Anglo-Americans have united with them. The President, in strict conformity with his professed desires for peace, very promptly issued his proclamation, enjoining all Texian citizens to abstain from hostilities against the Government of Mexico,^a a copy of which he transmitted to the Chief of the Anglo Americans who were understood to have joined the Federalists, by Lieutenant Col. Johnson the Assistant Adjutant General of our Army. That gallant Officer with his escort, was intercepted on his return by a large party of Mexicans, and cruelly put to death. This is an event not calculated to assuage the feelings of a people already provoked by unwarranted and unchristian Massacres, or to soften the rigors of the War should it be actively renewed. But in as much as this atrocity is reported to have been perpetrated by a desultory band of ruffians without the express authority of the Government, the President will not regard it as an insuperable obstacle to the proposed negotiation. But it may be considered as an infallible assurance, that if hostilities are to continue, they will be conducted with increased animation by an indignant people who know how to avenge a wrong which they would never commit.

With great regard I have the
honor to be your Obedt Servant

DAVID G BURNET
Acting Secty of State

P. S. Your letters were received on Yesterday.

^a See note ^a, p. 551.

REPUBLIC OF TEXAS.

DEPARTMENT OF STATE

City of Austin 12th March 1840

To

His Excellency

RICHARD PAKENHAM

*Minister of Her Britanic Majesty
to the Government of Mexico,*

SIR, The President has learned with sincere gratification, the interest you have been pleased to manifest in the overtures made by this Government, through its confidential and worthy Agent Mr. James Treat to arrest the shedding of blood, by the negotiation of a Treaty of peace and of Limits between this Republic and that of Mexico.

Mr Treat is now furnished with full and regular Authority to enter upon such negotiation; and any aid which your Excellency may afford him will be thankfully acknowledged, and any relative guarantee which you may feel it proper to offer to the Government of Mexico will be fully and faithfully ratified and redeemed by this Government.

General James Hamilton has also been confidentially empowered by this Government to treat with Mexico, under an impression that a negotiation might possibly be commenced in London, and I take pleasure in assuring you that any Communications that Gentleman has made or may make to you, have its entire sanction and authority.

The President requests me to tender you his cordial acknowledgements.

With great consideration, I have the honor
to be Your most
Obedient Servant

DAVID G BURNET

Acting Secretary of State

BURNET TO PAKENHAM.^a

REPUBLIC OF TEXAS

Department of State, Austin 12th Mar 40

To

His Excellency,

R. PAKENHAM,

SIR, I pray you will pardon the liberty I have taken to enclose to your address despatches for the Confidential Agent of this Government at the City of Mexico.

^a See Records of Department of State (Texas), Book 54, p. 19.

I find my chief Authority for this priviledge, in the frank and honorable manifestations you have already given of your humanity and good will towards us.

With high consideration

I have the honor to be

Your obedient Servt

DAVID G BURNET
Acting Secty of State.

COMMISSION OF TREAT.^a

[Empowers James Treat as special commissioner and agent of Texas to negotiate for the recognition of the independence of Texas, for a treaty of peace, amity, and boundaries, and for a future treaty of friendship, commerce, and navigation.]

PROPOSITIONS OF TEXAS TO MEXICO.^b

BASES OF A TREATY BETWEEN MEXICO AND TEXAS.^c

TREAT TO LAMAR.^d

[Confidential.]

MEXICO *March 25th. 1840.*

SIR,

My last respects were under date of 29th. Ulto, Copy of which I have the honor to hand you *herewith*. I am aware that I have suffered an *unusual* period to elapse since I last had the pleasure to address you; but I had previously written you *so often* and *so much* without being able to communicate any thing more than my *preliminary movements, conjectural progress*, and Such *general* information as I considered most important and authentic, *that* I had resolved I would await *until* I could Say *Something* more *definite*, or perhaps more Satisfactory.

But you will bear in mind that *these* are a *Very Slow people*, and that *my business is not common place*, but difficult. Before I proceed to fill up the Vacant period of my Report to the present time, permit me briefly to dispose of some of the principal topics referred to in my last respects, that you may better judge of the general situa-

^a March 12, 1840. See Records of Department of State (Texas), Book 54, pp. 17-18.

^b March 21, 1840. See Treat to Lamar, March 27, 1840.

^c [March 21, 1840.] See Treat to Lamar, March 27, 1840.

^d A. L. S.

tion of the Country, and the position of the Government, *both which* have an important bearing on all the leading measures of the Govmt. and *especially* on the Subject which *alone* claims *my* attention.

The Revolution of Yucatan has gone through the *whole* peninsula, or department, with the exception of the City and Port of *Campeche*, where the *Garrison* and *people* Shewed a disposition to defend themselves, and even march against the Revolutionists, at the Capital of Merida. Our *next* advices will inform us whether they have *Surrendered*, are besieged, or have Made some peaceable *arrangement*. The *motto* of the Revolutionists is *Federation*, under the *old Constitution*, until amended by a *Convention*. Four Hundred Troops have embarked from Vera Cruz, but no information of their arrival has been Yet received. They may be intercepted, as *it is said* the federalists have an armed Brig off Campeche.

The Smaller movements on the *South Coast* continue, and particularly a recent one at *Zelaya*, a Town in Guanahuato, the Extent of which is not exactly known.

Canales is organizing a sort of *Convention* in which all the States or departments are invited to be represented, on the 1st. May. Of course, they must *first* throw off the *central Yoke* by a *Revolution*.

The bill So long before Congress to provide Ways and Means to restore Texas to the union was finally lost in the *Senate* a few days since, by an almost unanimous Vote; *two thirds* and *Two more* having Voted *Contra*.

The bill against the liberty of the press was, submitted to *The Supreme Court of Justice* for their opinion, (which they sometimes do, in important matters, altho' their opinion. has no *binding force* on Govmt. or Congress) and they were *unanimously* against it. It remains to be seen, whether Govmt. will *still* press it *upon Congress*. The bill declaring it *Treason* to talk or write about the dismemberment of the *National Territory*; or promote, the Views, and interests of Texas, *still* lies *dormant*, and I presume never will be *recusitated*.

I have *now* reason to think that Mr. Cañedo, the *Minister* for *foreign affairs*, will *not* abandon his situation at the head of the Ministry for *any foreign Post*.

Three appointments are to be made for the United States: viz.—a minister to supply the place of Mr. Martinez Pizarro *deceased*; and two Commissioners under the *Convention Indemnity*.^a Of the latter, one only *is* appointed, Mr. Pedro F. del Castillo. Thus you See that the Govmt. has its *hands full* in the direction of the *domestic* concerns of the Nation.

The President, and Cabinet, as well as many of the men in Congress and the other departments of Govmt. *think that peace* and in-

^a See note ^a, p. 580.

ternal tranquility are the *first things* to be attained and that it is justifiable to *Violate the Constitution*, and commit *obvious*, tho' *temporary*, injustice, to attain these objects.

Their *promises*, for reform and improvement are ample, but they are *Slow* in the *Execution* of them.

The *other party*, Called Federalists are divided into *two*; one, the *Moderate* and amalgamation party, and the other the *Exalted*. (*Exaltados*) or *Violent party*, who would destroy the *Ecclesiastical party* and influence at a single blow. The Leader of the *former* is *Pedrazar*, and the *latter*, *Farias*. Yet *both* are called *Federalists* and *liberals*, and belong to the opposition, or *progressive party*, now so called.

Here you have the *leading parties* in the country.

As regards *St. Anna*, he has a *Small party* only, and is content to oppose the Govmt. without *either* of the *other parties being willing* to adopt him as belonging to *their creed*, and *principles*. He always likes to belong to *his own party*, where he can *controul*, and when *not*, goes on the *Strongest Side*, where he can promise himself the *most influences*, or remains *Neutral*.

Under these circumstances, you will readily perceive Sir, that *my progress* must necessarily be comparatively *Slow*. Still some *slight advances* have been made since I *last reported*, which I will detail in another letter to *accompany this*. I will *here* add that I am *Still* without any advices from yourself or the department of State, which I am most *anxiously* and *daily* expecting.

On the 16th. instant, I received *from Col. Love* two Letters, dated *8th. and 12th. Jany*, forwarded me by Dr. Ritchie from New Orleans, under date 1st. inst. being the *only advices* I have from Texas since my arrival here.

They were brought by the *Creole*, arrived at V. Cruz 11th. inst. The U States Revenue Cutter, *Woodbury*, arrived *just before* in *four days* from N. Orleans; and Sailed again forthwith *without* my knowledge.

She brought nothing but despatches for Mr Ellis, and took away the Ratified Convention. This *latter* is the *only vessel* yet sailed from V. Cruz for N. O. during the present month.

Referring you to a Separate Communication which I shall address by *this conveyance*,

I have the Honor to be with the highest respect and Consideration:

Your Most obt. and very Hble Servant.

JAMES TREAT

To

Gen. M B. LAMAR

Austin

Texas.

TREAT TO LAMAR.*

[Duplicate. Confidential.]

MEXICO, March 27th. 1840.

SIR,

Referring to my respects of day before Yesterday, I now proceed to inform you of the progress made in my affairs with the Government Since my last report under date of 29th. Ult. I have before remarked *that* it was deemed good policy by Mr Pakenham, as well as myself, to give the Govmt. *ample time* to consider and reflect upon my Exposition, without pressing the Secretary for any reply thereto, believing (what has since been verified) that the longer they had it under consideration, the greater effect it would produce on *their own minds*; and the greater opportunity would be afforded to *enlighten* themselves on the general question by consulting their friends *out of doors*, and becoming more and more familiar with the *subject*, which, in the *first instance*, could hardly be *adverted to* so extremely a *delicate matter* was it almost universally considered.

For the above reasons, and, because the Govmt. have been much occupied with the Unquiet state of the Country and an expected movement in this city which caused the *guards* to be *doubled* and the Troops under arms for Some week or ten days; *there has been* greater delay than I wished for, or anticipated; altho' I am well satisfied *that* this delay has produced some good results, as Mr Pakenham, myself, and friends have not been Silent nor idle on the question at issue, and Some changes of opinion have been brought about.

About *ten days* Since, the Secretary of State broached the Subject to Mr. Pakenham, and *Stated, in substance*, *That* the paper, or exposition, has been translated, and placed before the Cabinet, where it has been duly considered. *That*, being an *Ex-parte* argument and without containing any *propositions*, he would receive any further Communication, containing the *propositions* of the Govmt. of Texas; and they would *then* have the *whole matter* before them.

Mr. P. assented; stated that I was ready to present the propositions, I had been authorized to make to the Mexican Government.; and was only waiting, an intimation to that effect, from the Secretary. After some further conversation Mr P. took leave, with a request from Mr Cañedo that he would be glad to *See me*. Three or four *feast* days ensued *Consecutively*, and having mean time met him at a public Ball, he invited me to call, and named the day and hour. I had an hour and a half uninterrupted conversation with him. He not only repeated all he had said to Mr. P. but went much further.

As in the case of our previous interviews, *this* was not only considered *unofficial*, but confidential.

He said he had no objection to inform me *privately*, and *individually* [of] any thing and every thing I might wish to know, in relation to the object of my mission, satisfied that I was fully entitled to his *personal confidence*, and would *only* use the remarks he might make to me with the Executive of Texas, in my communications, and *then* it must be understood as *confidential*, and that *no publicity* should be given to any opinions *he* might utter, or information he might Communicate to *me* as *above*.

He then proceeded to State his own individual opinion (favourable to an amicable and prompt arrangement.)

The opinion of the President is wholly opposed to recognition, but would perhaps assent to an Armistice; and in like manner, the balance of the Cabinet—viz: Almonte, opposed to any immediate action, and probably *wishes* to negotiate at the Head of an Army. The *Secretary* of the *Interior* reserves his opinion until he informs himself *further*. And the Secretary of the Treasury, having no opinion of his own on this Subject will be Governed by the majority.

The Secretary *then* informed me *what* he had done to Secure for my mission a full consideration and perchance some result that should approximate the wishes of Texas.

He had further consulted the opinions of distinguished men of the Councils of Govmt. and *others out, of office*, and written to some out of the city. *That* he had found some to concur with himself, others willing to do *something, less* than recognition; and *others* who were opposed to *any* arrangement. *He had become convinced* that *Something* must now, or soon, be done. As regards Congress, he said, *No* calculation could possibly be made with any degree of Certainty how they would act, if any proposition touching this matter was placed before them. If it emanated from Govmt. it would be certain to be opposed by the opposition. *That* he had laboured much to keep the subject open, and give it all the impulse he could, but that, as the Cabinet was a sort of *Unit*, he could *only* by his own personal and official influence endeavour to gain, in favour of the general *question*, sufficient supporters to justify the Governmt, in *acting* on the subject, whenever public [opinion] Should be prepared for the question, *Shall we Surrender Texas?* *That* in consideration of this State of things, and other considerations of similar bearing *which* he had related *very fully* and *very frankly* And, (as I think,) *very truly*, he was *free* to say to me *then* that he did *not believe* the Govmt. could or *would* accede to the *Main question. viz—Recognition.* *That* they had no objections to do *something* towards your wishes and prevent hostilities *until* the time Should come round, when the Governmt could *act* with more freedom and certainty of Success; and when the *public feeling* would justify an open and public negotia-

tion. Said something, about an Armistice, and the willingness of Govmt. that the *actual state of things* might continue without the Surrender *formally* of its *sovereignty*.

So much for the Secretary's friendly and candid *Expose*, which I viewed as given with great frankness, and in all good faith. Had his objects been *sinister*, I am quite Sure, I should have *discovered it*.

He closed on his part by Saying *that*, in *his* opinion, the time was not far distant (he could not even intimate *when*) but he would say, "*not far distant*" when the exciting difficulties might be removed, and the question entertained with a very great degree of *Certainty of Success*.

He then said that he should be glad to receive my propositions, *that* of course I might ask or propose whatever my instructions authorized, without regard to *this conversation*; *That* he should do all that he could, considering his position to promote the object *generally* but that it would *not* do me nor the question at issue any good for him to insist on any particular point *beyond those* which might be agreed upon by the *Cabinet*, whose *unanimity* was desirable on any points that might finally be adopted. That I might consider myself fully authorized to call and see him whenever I pleased, and If I wished a *long interview*, to send him a Note, and he would appoint a time.

I do not consider *my remarks* on this occasion, of much importance, and especially as I was for the *most part* a listener. Suffice it to say, *for the present, that*, considering his whole conversation as *entirely* and *beyond question* a true and candid exposition of the real State of the question and its difficulties, *I, of course*, gave it my apparent credence, and so far as I had any occasion to Speak, manifested a corresponding personal frankness and confidence.

Having *no secrets* myself, I could not confide anything to him; *but* I said in *Substance*, *That* this matter of *Peace* between the two countries involved, of course, *Recognition*;—*That*, I had hoped to find the stability of the Government and the state of the country *Such* that the question could be taken up at once and discussed freely; and that the popularity of the Govmt. and the intelligence of Congress as well as public opinion, would Support the Executive in any honourable and advantageous arrangement. *That* the question with the people of Texas, as well as the Govmt. was a very simple one. They had been several years in quiet possession of the Country. Had extended their jurisdiction over that part which they now claimed. Had established their Govmt. on a solid foundation. Had been acknowledged by two powerful nations—and her resources and means of *defence*, as well as *offence*, gave her full confidence, that she could defend *all* she now asks for *from Mexo*.

Under *these* circumstances she had come to Mexico, after long forbearing to *do anything* to weaken her claim on the Mother country for Peace, and proposed a liberal indemnity for Recognition and the only rational, or permanent boundary, that can be adopted between the two countries. That I was sorry to find there was not power, or fortitude enough in the Govmt. Departments, to take the question up, as a Matter of business, and decide it *at once* on principles of *reason* and *sound policy*. That I could well anticipate the disappointments that the failure of my mission would produce in Texas, etc. etc. etc.

But that, notwithstanding, I would present my propositions in behalf of the Government of Texas, and through the usual Medium of Mr. Pakenham.

I reported this interview to Mr. P. and requested *him*, to throw himself in the *Secretary's way*, and furnish him an opportunity to *repeat* what he had said to me, which was done, and the Same frankness and candour pervaded the whole conversation, So that Mr. P. considered the Secretary's Exposé entitled to full credence.

I consulted Mr. Pakenham and submitted to him the *Propositions* I had thought best, *under all the circumstances*, to submit to Govmt. which he approved of and enclosed them in an *official letter* to the Secretary two days Since, and was promised, that they should, have *due course*, as *Understood*.

I have the honor to enclose you a copy of the *propositions* referred to, marked A, for your information, and, as I hope, approbation.

The object in thus reducing it to a Single proposition was to *test* the *Main* point, viz Recognition, and I considered my best policy to leave the two other points *Blank* viz: Boundaries and Consideration, hoping that the *naked* question, of Recognition, (without a definition of boundary or naming compensation) would stand a *better* chance of favourable consideration and perhaps *prevent* a prompt and absolute *return* of the proposition as *wholly inadmissible*.

Besides, Mr Cañedo knows, and so does Mr Almonte, *very well*, (and if the rest of Cabinet *do not*, the Secretary-of State Can, *if he thinks it good policy*, inform them) that the *Consideration* cannot exceed *four and a half* or *five* Millions of Dollars; and the *limits* required are the Rio Bravo del Norte.

Had I filled up the *Blanks*, I should have Said: *Four millions*, and *Rio Bravo del Norte*.

There are some circumstances calculated to operate favourably on this *main question*, which is the *main difficulty*. My friends, who are at work, (very cautiously, but with some effect) report more favourably as regards the opinions of others; and Mr. Pakenham was informed by the Secretary (since *I* have seen the latter) that

even the President had become more *tractable* or *less* obstinate, and that the *Texas question*, had lost *some*, of its terrors, at least; *all which*, is the result of *time* in which to *think* and *reflect*; for they are notoriously a slow people in *every thing*, and when hurried, of course, always go against your views.

Hence, *time* is indispensable to effect *anything*, here. Notwithstanding all this I anticipate a return of *or answer to*, my proposal, as *inadmissible* on account of the Alienation of the Sovereignty of the Territory. *This*, is my own opinion, of course, *mainly founded*, on the Secretary's *private opinion*, and communications, to me as well as other concurring testimony and circumstances.

The most I can reasonably hope for *is* that they may suspend any decision or absolute negative, *and ask* that the blanks be filled up, *as without that*, they *have not*, in fact, the *whole matter* before them.

If so, I shall fill them as already Stated; *Rio Bravo* and *four millions*, as it will be *well enough understood* that "Four" means *four and a half* to *Five*; in case there are *no incidental Expenses* attending the negotiations *which*, under *any* circumstances, there must *necessarily* be, and probably heavy. Of course, a broad margin should be left for *this contingency*, should it occur.

This, then, is the *present State* of the *question*, and if the proposition *as already made*, or, when *amended*, by filling up the blanks; Should be *absolutely rejected*, I presume the Secretary *will then* present *Some counter-propositions* Stating what they are willing to do, and perhaps holding forth *some future* prospects of Recognition, and proposing *meantime* an armistice, under certain conditions, etc. etc. etc. *In fact*, the Secretary *himself* did not know exactly *what* these views *were*, or would be, on being discussed in *Cabinet*; but intimated *Very generally* something *like* the above. These counter propositions, whatever they may be, I shall receive, and engage to forward, *or convey myself*, to the Government of Texas; *altho'* it *may be* in violation of the *letter* of a part of my instructions; for I am *Sure* it will *not be* contrary to the *tenor* and spirit of the Whole.

This done, I shall, of course, *rest* until I have the honor to receive your further views and instructions; and shall be happy if *they*, will enable me *soon* to pay my *personal Respects* to the President of Texas.

I am *now* in daily expectation of advices from the *Department* which will give me such further instructions *as may have arisen*, from a change in your views; for, as I have before remarked, the letters from Gen. Hamilton to Mr. Pakenham, *before* his arrival at and, *especially since* his departure from Texas, shew clearly that an arrangement would *now* be assented to *verry different* from what *my instructions* contemplated at *their date*.

The *Mediation of G. Britain an Armistice of Six, or Twelve Months*, with an understanding that Negotiations should be opened in *London or Washington*, were not the only points, *then*, to be Secured.

But as I *must* so soon *now* hear from you in reply to all my letters and requests, it is useless *further* to comment on these points.

Soon, very soon, after receiving *these advices*, I think, I shall be able to leave, unless my instructions shall *otherwise direct*. I shall *not*, however, leave *my post* while *anything* can be done to promote the *interests* of Texas. I am, however, Very anxious to leave this elevated region, where my health *has* suffered, and *still is* suffering *much*. My *general* health is quite good, but my *Chest and Lungs*, feel sensibly this *very peculiar climate and atmosphere*.

I must close in haste, as the Mail hour is pressing, and *therefore* the letter refered. to at the commencement of *this* as dated, 25th. *will not go* by this mail but by the *next post*, as I have no time to finish the Copy. It will, however, *I think* be in time to go *with this*.

Very Respectfully, and with great Consideration,

Your most obedient Servant.

Signed JAMES TREAT.

To

Gen. M. B. LAMAR

Austin

Texas

A. Copy.

The *Government* of Texas has duly authorized the *following introductory propositions* to be presented to the *Government of Mexico* for its consideration and determination.—*To wit*.

1st. The Govmt. of Texas Solicits of the Govmt. of Mexico a *Recognition* of her Independence, with such boundaries as may hereafter be agreed upon between the parties.

2nd. The Govmt. of Texas offers to the Govmt. of Mexico, *in consideration*, the Sum of ————— Millions of Dollars, to be paid as may hereafter be agreed upon between the parties.

City of Mexico, March 21st 1840.

Bases of a treaty between M and T.

The government of M. will acknowledge the independence of the T. republic, comprised in the space located between the rivers Bravo and Sabine.

The government of T. impulsed by peaceful dispositions and wishing to put an end to the war, agrees to pay M. the sum of payable in 5 years, with an interest of 5% a year, payable half yearly, for which M. will be allowed to draw immediately on the conclusion

of the treaty engraved drafts of \$1000 each, which shall be accepted by the Treasurer of T.

The Republic of T. will not interfere with any legally vested rights of Mexican citizens, lawfully obtained previous to the Declaration of Independence allowing a term of three years to Mexicans to dispose of their real estate, in compensation of which the government of M. will admit also for three years the importation in her ports under the Mexican flag of the produce of T. on the same footing as the Mexican produce.

TREAT TO LAMAR.^a

[Private.]

MEXICO March 31st. 1840.

SIR:

The enclosed letter of 25th. inst and the *duplicate within should have* accompanied my last respects of 28th.^b Inst., Sent to Vera Cruz by the *last post*; but I could not finish the Copy in time, and *hence* I send them *herewith* by *this* evenings mail and have no doubt they will be in time for *one* of the two Vessels bound for N. Orleans; *so that* both despatches will probably arrive at the same time.

Since closing my letter, on the evening of the 28th. indisposition (arising from a cold taking by *bathing*) has prevented my calling to see either Mr. Cañedo or Mr. Pakenham, which I had intended doing before I again addressed You, and to have added anything new or interesting I might have gathered from *either Source*. Had Mr. Pakenham have had anything of importance, *he* would have called on me, but not So with regard to Mr. Cañedo.

I therefore can report *no further progress* in business matters; nor do I believe any Step has been taken in the Palace for several days, as the changes in the Cabinet *now* reduced to a great degree of *Certainty* have no doubt occupied Much the attention of the Ministers. The arrangement *now* on the *Tapis* is that Mr. Almonte, Secy. of War and Navy, proceeds to *Brussels*; and Mr. Cuevas, Secretary of the Interior, shall go to St. James. These nominations will take place immediately, and if confirmed (*as of course* [these will be]) their places, will have to be supplied *at once*. There is much uncertainty in regard to their *Successors*, but *this I know*, that Texas will

^aA. L. S.

^bThe letter intended may have been that of the 27th, which appears to have been completed on the 28th, as shown in the next paragraph of this letter. None of the 28th has been found; and the surmise that the dispatch of the 27th is the one referred to is strengthened by the fact that in the enumeration of duplicates in Treat to Lamar of April 10, marked "Confidential," none of the 28th is mentioned.

have *rid herself* of one of her most bitter enemies *here*, and perhaps *two*; as Mr Cuevas has not yet declared *his* opinion *fully*. What we shall gain depends on *who* may fill their places. I do *not* think we can lose anything.

It is *Still asserted* that Mr. Cañedo also will escape from the ministry, *probably* to the U. States, so soon as he can fill the *State department* to the satisfaction of the President.

This, however, is *decidedly* in opposition to his own assurances to me *that* he would not accept of any foreign appointment *whatever*. It is believed by some that these contemplated changes in the Cabinet are the *precursors* of a more *liberal System* in the *future policy* of the Government. In *other Words*—they find the *Tension* to its *utmost*, and fear a *Revolution*; hence, a *Modification* of their *policy* to *conciliate* and thus *ward off* or delay the *apprehended re-action*. If the President fills the Vacancies in his Cabinet by Federalists it will sufficiently confirm *this Idea*.

The *first period* of the ordinary Session of Congress for the present Year *expires this day*; being *three months* from the Commencement of the Year. This ordinary Session is *prorogued* for the purpose of acting on *Sundry Specified subjects*, and among them *one* which reads Thus: "To take into consideration, everything which relates to the restoration of Texas to the National Union." This gives room for the further discussion of the subject, and we shall, if the *Govmt. move*, see what course *they* will *now* recommend, after having failed in *all* their *efforts* for three Months to obtain *ways and Means* for the War.

Perhaps some Member may be found *bold enough* to propose a Committee to examine the whole Subject and *Report* their opinion of *what* the *interests* and *honor* of the Country *require*, in relation to *this Subject*.

I trust ere long I shall be in possession of Your further wishes and instructions, so that I can close my negotiation in Some way or other,

Until I *do receive them*, I shall continue making every effort to *gain* as much *ground* as possible, for I am *more and more* satisfied *that* tho' not *now perhaps*, Yet ere long, the negotiations *can be* carried *through*. I *also* hope that my repeated request for funds and *also* on the part of Gen. Hamilton, who wrote to the Secy of the Treasury in my behalf, *will not have been forgotten*.

A friend of mine who has just *call'd. in* Says the city is *rife* with rumours of *risings* among the troops:—a movement among the Military to *Elevate Gen. Valencia* to the Dictatorship, etc, etc etc; all which I suppose will *blow over* like the thousands that have *preceded* them.

Tornel will probably be found in the *last* named plan; (and probably *St. Anna*) if they really make a movement.

I shall again address you whenever I can advise of any progress.

Meantime, I am, Very Respty.

Your obt and Hble Servant.

JAMES TREAT

To

Gen. M. B. LAMAR.

Austin

Texas.

LAMAR TO TREAT.^a

[Authorizes James Treat to draw on Hamilton and Burnley, loan commissioners of the Republic.]

LIPSCOMB TO TREAT.^b

REPUBLIC OF TEXAS, DEPARTMENT OF STATE,

Austin 1st April 1840

To

JAMES TREAT ESQR

SIR, I have the honor to acknowledge the receipt of your much esteemed communications of the 15th. 21, 22 and 29th Feby.^c The credentials asked in yours of a previous date, had been forwarded by Judge Burnet in my absence, and I hope they have been received by you ere this time.

We have great difficulty in forwarding you available funds, and are not certain that the mode now suggested, will be successful under existing circumstances. However it is thought to be the one most likely to serve your purposes. You will therefore be authorized to draw on Messrs Hamilton and Burnley, Texas Loan Commissioners in London, for such an amount as will realize to you two thousand dollars.

I take this opportunity to renew to you, the assurance of the great satisfaction the President feels, at the zeal and ability you have displayed in the discharge of the delicate trust reposed in you, and his entire confidence, in your continued efforts to bring your Mission to a

^a April 1, 1840. See Records of Department of State (Texas), Book 54, p. 20.

^b See Records of Department of State (Texas), Book 54, p. 20.

^c All addressed to President Lamar.

happy conclusion. This will be forwarded together with your authority to draw, under cover to Mr. Pakenham, to whom I beg you will make the respects of the President acceptable

I have the Honor to be
with great respect, Your obt Servt

ABNER S. LIPSCOMB.

LIPSCOMB TO HAMILTON AND BURNLEY.^a

REPUBLIC OF TEXAS, DEPARTMENT OF STATE

Austin 1st April 1840.

GENTLEMEN,

This Government has found great difficulty, in supplying Mr Treat with necessary funds in Mexico, hoping the best results from your efforts to procure the loan, and that you will be in funds in time; The President has authorized Mr Treat to draw on you in London for such amount as will realize to him two thousand dollars. If he can negotiate a bill at all, it is possible that it can be done without any great sacrifice in that small amount.

The Authority to enter into Commercial Arrangements with the French Government for the reduction of duties etc. etc, in the event of their successfully aiding you in the sale of our bonds has been forwarded to you, and the best results are anticipated from that quarter. For the views of the President on the subject of such arrangement with the French Government I refer you to my letter of 24th February, addressed to General Hamilton, a duplicate of which is herewith enclosed. Our last advices from Mexico, authorize the hopes that a treaty of Recognition and boundary can be obtained. We are not in much danger of invasion, of a serious character in any event, as the internal condition of Mexico forbids such an enterprize.

The loan and a treaty with Mexico, would place our Young Republic in a condition of prosperity not surpassed by any over the Globe.

With great respect
I have the honor to be
Your Obdt Servant

ABNER S. LIPSCOMB
Secty State.

To Messrs
J. HAMILTON
and A. T. BURNLEY
Commissioners

^a See Records of Department of State (Texas), Book 54, p. 21.

TREAT TO SECRETARY OF STATE [LIPSCOMB].^aMEXICO *April 10th. 1840.*

SIR;

I have the honor to hand Y. E. herewith *two* documents addressed by the parties interested to Richard Pakenham Esquire, Her. Majesty's Minister Plenipotentiary in Mexico, in relation to certain claims, as explained in said communications.

Mr Pakenham has desired me to forward these papers to your Department, with a request that Y. E. will have the goodness to inform him how far said representations of claims are well founded, and what would be the proper course for the parties interested to pursue, *if any*, to test or adjudicate Said claims.

In fulfilling the wishes of Mr. Pakenham, which I do with much satisfaction (as I am under great obligations to him for his personal attentions, as well as for his highly Valuable Services to your Country in promoting the objects of my Mission) I beg leave to recommend to the Department the Matter above referred to, and to Solicit as early a reply as may be convenient, addressd. to Mr: Pakenham *as above* which please forward *in Duplicate*.

Referring Y. E. to the Enclosed Note addressed to H. E, the President, in relation to this Subject,

I have the honor to be, with great respect, Your obedient and Hble Servant.

JAMES TREAT

To the Hon.

The SECRETARY OF STATE
of the Republic of Texas,
Austin.

[Copy.]

NEW ORLEANS, *20th. August 1839.*

SIR,

I am informed by my relations in Scotland that the British Government has authorized you to mediate between Mexico and Texas, I therefore, beg leave respectfully to inform you I am interested in the result, having a considerable sum of money at stake in a grant of land made by the Government of the State of Tamaulipas to one Manuel Bangs, dated 27th. Feby. 1835, for the settlement of a colony of 250 foreign families, on the left bank of the Rio Bravo del Norte, beginning opposite Camargo, and following the bank of the River till opposite Ravilla,^b thence towards the Nueces, until a sufficient

^aA. L. S.^b Revilla.

quantity of land should be found to satisfy the claims of all the settlers, and that of the Empresario for his premium land. Mr. Bangs transferred all his right, title and interest in the grant to me, and placed me in his stead by virtue of an irrevocable power of Attorney; and on my return to this place in the month of July 1835, I set to work to organise a plan for peopling the colony. I opened a correspondence with my friends in Scotland, and enlisted them in the enterprise. They accordingly collected the requisite number of families, and engaged ships to carry them out, and when nearly ready for embarkation, the enterprise was abandoned in consequence of intelligence communicated by me of the existence of the hostilities which broke out on the frontier between Mexico and Texas in the latter part of 1835 and the beginning of 1836, thereby occasioning disappointment to the intending colonists, and manifest loss to myself and friends.

In the month of December 1836 the Congress of Texas made a declaration defining the boundaries of the Republic, whereby it swept in the land lying between the Rio Grande (or Bravo) and the Nueces, within which the grant above mentioned is situated.

When the next Congress assembled in May 1837 I sent an agent to Texas for the purpose of enquiring into the particulars regarding the position of said grant, and the result was that the Government of Texas had laid claim to the said tract of land embraced in the grant, and that all Empresarios must be governed by the "14th Article of the Plan of the Provisional Government of Texas, adopted in the month of November 1835, by which it is decreed that all the vacant lands of Texas are the property of this Republic, and that all land Commissioners, Empresarios, surveyors or persons in anywise concerned in the location of lands be ordered forthwith to cease their operations during the agitated and unsettled state of the Country, and continue to desist from further locations until the land Office can be properly systematized by the competent Authority which may hereafter be established" etc.^a By the declaration of rights appended to the Constitution of Texas^b on the 2d. March 1836, "It is declared that all the vacant lands within the limits of Texas became the property, or public domain of the Republic." By an Act, passed the 19th. Decr. 1836, to define the boundaries of the Republic of Texas,^c it is enacted "That from and after the passage of this Act, the civil and political jurisdiction of this Republic be, and is hereby declared to extend to the following boundaries, viz. beginning at the mouth of the Sabine river, and running West along the Gulf of Mexico three leagues from land,

^a Gammel, *Laws of Texas*, I, 541-542.

^b Sec. 14 of the declaration as originally reported on March 9 not the 2d. The section was stricken out before the constitution was adopted. See *ibid.*, 871.

^c See *ibid.*, 1193-1194.

“to the mouth of the Rio Grande, thence up the principal stream of
 “the said River to its source, thence due North to the 42nd. degree
 “of North Latitude, thence along the boundary line as defined in
 “the Treaty between the United States and Spain, to the begin-
 “ning” etc. and by a supplementary act to an Act entitled “an
 “Act to establish a general land Office for the Republic of Texas,
 “passed 22nd. Decr. 1836.” “Section 5th. Be it further enacted
 “That it is hereby declared that all Empresarios’ contracts having
 “ceased on the day of the Declaration of Independence, all the
 “vacant lands of Texas are the property of this Republic, and
 “subject alone to the disposition of the same”—dated 12th. June
 1837.^a

According to the above quoted enactments it appears that I am entirely shut out and prevented from perfecting the terms of the grant on my part, as the representative of the grantee, Manuel Bangs, in so far as regards Texas. But as I am aware that no State can take possession of any part or portion of another State, except by purchase, cession or conquest, and knowing, as I do, that the Government of Texas has performed none of these ceremonies, consequently this Republic of Texas has no virtual rights to the tract of land in question, as matters stand at present, I have therefore considered it my duty to lay this statement before you, so that when the period arrives for your mediation between Mexico and Texas, my interest, as a British subject, in this contract may be respected, and the usual protection afforded to all previous existing contracts in any arrangement that may hereafter take place between the contending Parties.

I am ready, and at all times willing to fulfil my part of the contract, and as I am prevented from performing by the peculiar situation and circumstances of the other contracting Party, the least amount of indemnity to which I am fairly entitled should be the premium land, thirty Sitios and thirty Labors, by virtue of the Contract and the colonization law of Tamaulipas of the 17th. November, 1833,^b to say nothing of the advantages which would have accrued to me from having the far famed Salt Lakes of Tamaulipas within the bounds of the grant.

Being already well assured of your marked attention to all the best interests of claimants under your paternal protection, I shall add no more on this subject.

I have etc

(signed)

JAS OGILVY.

RICHARD PAKENHAM Esqre.
etc etc etc

^a See Gammel, *Laws of Texas*, I, 1323-1326.

^b See Sayles, *Early Laws of Texas*, I, 138-140.

[Copy.]

NEW ORLEANS, *20th. August, 1839.*

SIR,

I have been appointed the Agent of the heirs, in Scotland, of Doctor James Grant, deceased, who was a native of Scotland, was a resident at one period at Parras, and member of the Congress of Coahuila and Texas, and who was killed on the frontier between Mexico and Texas on the 2nd. March, 1836.

Having been informed that you have been appointed by the British Government to mediate between Mexico and Texas, I therefore beg leave to represent to you that the late Doctor Grant was interested, directly, in contracts with the Government of the State of Coahuila and Texas for the purchase of 350 Certificates, calling for a *Sitio* of land each, in the vacant tracts of the State, and indirectly, in 150 similar Certificates. I have in my possession the contract for the first 300 Certificates sold to Dr. Grant, and on the back of which there is a receipt for the full payment of the purchase price; and I have reason to believe that all the other purchases were duly paid.

The hostilities which broke out between Mexico and Texas in 1835 and 1836 prevented the Agents of Dr. Grant from getting these Certificates located and the corresponding titles issued to the land.

During the year 1836 the Government of the people of Texas took possession of the Country, declaring themselves free and independent; and they passed laws prohibiting the location of any claims for land, existing under previous contracts with the General as well as with the State Governments of the Mexican Republic. Consequently the heirs of the late Dr. Grant, and other virtual claimants on these 500 Certificates are left with 50,000 Dollars' worth of them in their hands, and without any remedy in the present state of the political affairs of Texas.

The object of addressing you on this subject is to be in time, and to enjoy the benefit of your official interposition, in the event of a speedy settlement of the difficulties existing between Mexico and Texas.

I find the affairs of the deceased involved in almost inextricable difficulties; and, unless we succeed in making good these contracts, there will not be sufficient to satisfy the just claims on the Estate, far less to relieve the pressing necessities of his numerous children. For their sakes, I do hope and trust that we may succeed through your valuable instrumentality.

I have opened a correspondence with a person at Monclova, with a view of ascertaining the position of the late Dr. Grant's affairs at Parras, and should there exist any hope of recovering any thing in

that quarter for the benefit of the heirs, I may be induced to make a journey thither, and in that case I shall require a *Carta de Seguredad* which will compel me to trespass on your goodness in obtaining one for me, of which I shall hereafter advise.

I have etc.

(Signed)

JAS. OGILVY

RICHARD PAKENHAM Esqre.

etc etc etc

TREAT TO LAMAR.^a

[Private.]

MEXICO April 10th. 1840.

MY DEAR SIR.

Under this date, I have addressed the Hon. the Secretary of State, and enclosed him *two* papers for his consideration and reply, to all which I beg leave to refer you *for particulars*.

I have done this at the request of Mr Pakenham H. M's. Minister, to whom, as you are already fully aware, we are under great obligations for his unwearied devotion to our interests in my negotiations with the Govmt.

As regards the matter involved, of Course I have nothing to Say, *as that* will stand on its Merits, but permit me to solicit an *early*, and *as full*, a reply to Mr. Pakenham as the nature of the case will admit.

Referring you to a long communication of *this* days date, and forwarded by *this* Conveyance,

I remain, my dear General, in Haste,
but Very truly and cordially Your
Most obedient Servant,

JAMES TREAT.

To

Gen. M B. LAMAR

Austin

Texas.

TREAT TO LAMAR.^a

[Confidential.]

MEXICO April 10th. 1840.

SIR:

There being no Vessel at present in V. Cruz bound for any American Port in the Gulf, I send this by tomorrows post to *Tampico*,

^a A. L. S.

through the kind attention of Mr. Pakenham, hoping it may find an early conveyance to N. Orleans and *thence* to its destination.

The *main* object of this communication is to hand you *duplicates* of my several late despatches, *say* of 25th. 27th. and 31st. Ultimo, the *originals* of which, with their respective enclosures, were forwarded to Vera Cruz to go *pr Creole* and *Kathleen* for N. Orleans (sailed 4th. inst.) *That* of 27th. March was *in time* while those of 25th. (with its enclosure) and 31st. Ult were three hours *too late*.

As it is uncertain *when* an opportunity will again offer to send them *forward*. I hasten to transmit *herewith* duplicates of those detained (as well as *that* which went forward) *for*, altho' they are not very important, *yet without* them the chain of Events is *not* complete, and the narrative of my progress is *thus* interrupted.

The threatened disturbance of the tranquility of the Capital and apprehension of some Military Movement against the Govmt. *to which I referred in my last* passed off without any result, the Govmt. having taken active and timely precautions and made some arrests, which effectually put a Stop to whatever, *may have been* contemplated. All *now* is quiet, and the Govmt. *Stronger* and more *Secure* than before in consequence of this event. Another event of some importance which will Serve to Strengthen the present Ministry is the defeat of Cañales by Arista at *Morelos* on the 24th. and 25th. Ult and almost Entire dispersion (as reported officially) of his forces.

It will probably be some time before Canales can rally and meantime the Ministry feel themselves safe Enough.

Meanwhile, I have heard nothing further in relation to the changes in the Cabinet to which I adverted in one of my last. In proportion as the Administration gains strength, the *less* their hurry to get away.

Campeche Still holds out against the Revolutionists of the Capital (Merida) among whose leaders dissensions are Said to Exist, *which* may defeat their plan of reducing Campeche, and thus enable the Govmt. to restore the *whole Department* to order again.

Thus you see that *comparatively* small matters bring about important results *here*, and it may be affirmed that at no time *for two or three Months* has the Governmt felt themselves more *at ease* than *now*.

These facts are stated *only* because they effect my Negotiations, for the Govmt. is *timid* or *bold* just in proportion to its *weakness* or its *Strength*.

Hence, I congratulate myself in the hope that the Govmt. will remain, *for this Year* at least, without change, and that they may *continue* to gain Strength, for in *this in part* I place my hopes of Ultimate Success, in the objects you had in view, in charging me with this *important* and *delicate trust*.

Since my last respects, I have had another interview with Mr. Cañedo at his Department in which nothing new or interesting Specially occurred. The Secretary, however, among other Matters, reiterated his assurances that he was doing all in his power to place my *propositions*, (as well as the whole Texas question) on the best possible footing with the Cabinet, and *also* with the *Executive Counsel*, who *may* have to *act* in the premises *before* the Cabinet decides on any given course, That the delay which had occurred was desirable, that he might have time to *confer* with some of the leading men *in* the *Council*, before the Matter was finally discussed and disposed of, And *that* the Matter in *general* wore a more-favourable aspect than before, and that he hoped by *management*, (which might involve some little delay) he should be able to bring about *some* favourable result, tho' it might *not* be what *I* so much wished, a *Recognition*.

This interview was, like the preceding ones, conducted with the same apparent candour and frankness and was closed by expressing a *wish* that my advices from you, *credentials*, etc, might soon arrive, as *that* circumstance might give an impulse to the negotiation which was desirable, and might *accelerate action* and effect favourably the decision of Govmt., if *in time* to produce its anticipated effect before the Cabinet had definitively acted on the Subject.

I told the Secretary that he might consider himself fully authorized, to *retard* final action, if he thought it *under all circumstances desirable* and, in fact, to conduct and Manage the Matter with his Colleagues according to his views of Expediency; as *I*, of course, was *not so desirous* to bring the Matter to an issue as to wish to have the Matter pressed forward and *closed under* adverse circumstances; but that, on the contrary, I wished the subject to have all the *contingent* and incidental advantages which could be thrown in its way, and for this purpose he should carry on the negotiation to an issue *as he thought proper*.

Subsequently to this interview, *my principal* friend and *Co-operator*, (Sub-Rosa) reported to me that he had just had a long and final interview with *Mr. Cuevas*, the Secretary of the Interior, (who had been *Anti-Texas* in the offset and finally began to *Vacillate*) and that this Gentleman had become entirely convinced of *two* important facts as regards the *Texas question*, *viz*—that it was not in the power of Mexico (without enormous Sacrifices) to recover Texas, and *hence*, that *So soon* as the *Govmt. can* make any honorable and amicable arrangement, *it Should do So*.

This is a *Cabinet Vote*, and therefore an important one, for if *Almonte* and *Echeverria* (of the Treasury) Should go together there would be a *tie*, and this would Send the matter to the *Council*, where *I hope* there will be a *majority* in favour of *some immediate* action.

I reported this to Mr. Pakenham and desired him to See both Mr *Cañedo* and Mr *Cuevas* opportunely, which he has recently done, and informs me that he asked Mr *Cuevas* his *candid opinion* and his reply fully *confirmed*, the Report of *my friend*, That he, found Mr *Cañedo* in good Spirits and that he Stated that Matters were progressing More favourably than he had at first anticipated, and *that my proposition* would Soon be acted upon, *and altho'* it was probable that a *Recognition* at present would *not be acceded to*, yet that something would result from the deliberations of Govmt. which he, the Secretary would duly communicate to Mr Pakenham etc etc etc.

Thus you See, *if* the Secy. is playing a *double game* of Diplomacy or deception, he is practising on *Her Majesty's MINISTER*, as well as on your *humble Confidential Agent*; which *I* cannot of *course*, allow myself to believe, without some evidence *equal to that* which induces the *opposite opinion* and belief. I refer merely to the Secretary's *good faith* in his professions etc etc, but it does not therefore follow that he will be able to carry his Views with the *President, Cabinet or Council*, but that he will do all in his power to produce the most favourable result *obtainable*, under the Existing circumstances. Time must however, decide this question.

I thought under all the circumstances I should like to see the Secretary *myself*, and called on him *Yesterday*, but found [him] at the Bar of the Chamber of Deputies, where he had been called to explain an official Circular, emanating from his Department, declaring as *Piratical* the *flag and Vessel* armed by the *Rebel authorities* of *Yucatan*. But, as was anticipated the Secretary came off *triumphantly*, the opposition having entirely failed in their objects.

It is now *doubtful* if I see him before I close this communication, nor do I think it of much importance, As every thing Seems *now* to be moving *as well as can be expected*, if not *as well as might be desired*.

I am anxiously awaiting the *next post* from *Tampico*, to arrive Monday *13th. inst.* in the earnest hope and expectation that I shall have advices from Govmt. pr the *Schooner Doric*, arrived at Tampico *1st. inst.* from N. Orleans in *Six days* passage. This information comes up by an Express while the correspondences is coming along slowly by mail.

I hope I may not be disappointed on *this occasion*. *If I am*, I hardly know what Mr *Cañedo* and Mr Pakenham will think, as it is now *Seventy days* since my letters of *about* the 1st. february went forward, *which* I trust will have been considered as entitled to an immediate reply.

A few days will decide whether, I am to be disappointed.

I remark that Mr Pakenham has transmitted to his Govmt. *every thing* which has taken place *here* in regard to the action of this

Govmt. on the *Texas question*, and also sent home copies of *all* the papers I have presented to the Secretary of State, as well as copies of Gen. Hamilton's *two* letters to Mr. Pakenham, and the *reply* of Mr P. to the first of said letters. I therefore suggest that this fact, might be communicated by the Department of State to Gen. Hamilton, (if he has Embarked) for his Government, so that he can *know*, thro' Lord Palmerston, the State of things *here* by Every Mexican Packet that arrives.

Of course, any information of importance *Should* be communicated to Gen. H. *independently*, via N. York, as it would *Very Often* anticipate the reception of *Same* intelligence *hence direct*.

I have received nothing from Gen. Hamilton since he left N. Orleans for the North; his *last* bearing date 3d. Jany^a last nor have I written him since 20th february, which was at length and forwarded *in duplicate*.

The Treaty between Texas and France as published in your papers has been *republished here* in Several papers of the *opposition*, as well as in the *official* of Govmt. but in *Every instance* without a word of comment. I furnished the Secretary of State with a copy, and he at once directed it to appear in the Govmt. paper, the tendency of *which* will be favourable.

Mr. DeLisle, the former *french Chargé d'Affaires here*, leaves in a few days, for V. Cruz, Havana and New York. So it appears he *does not* Visit Texas, as he originally contemplated. I take the liberty to suggest that it would *perhaps* be as well that my correspondence should be kept *within Your Cabinet* for the *present*, and until I reach the termination of my mission, *as continued secrecy* may be desirable *to this Govmt.*, as well *as to yours*, until your negotiations with Mexico should be brought to some *definite point*.

I Remain, Sir, Verry Respectfully,

Your obedient and Hble Servant.

JAMES TREAT

To

Gen. M. B. LAMAR *Austin*
Texas.

P. S. April 11th. Evening. I have made another effort to see the *Secy. of State*, but did not find him in. There is nothing *new* to add to *this letter*. After *next week*, we shall be done *with Lent*, and I hope to make some further progress in my affairs, of which I will not fail to advise You.

Very Respty. Your obt Servt.

JAS TREAT.

^a Not found.

CORRESPONDENT AT VERA CRUZ^a TO BURNET.

VERA CRUZ, April 16, 1840.

Hon. DAVID G. BURNET

*Actg Secy. of State of the
Republic of Texas*

SIR:

A friend acknowledges the reception of a letter of the 12th Ultio. covering a packet to the address of Mr. J. T. at City of Mexo, And which came to hand the 10th. Inst. and was duly forwarded the Same day, And which the writer has no reason to doubt has ere this reached its destination.

Yours etc.

TREAT TO CAÑEDO.^b

TREAT TO LAMAR.^c

[Confidential.]

MEXICO April 21st. 1840.

SIR.

I have the honor to enclose you duplicate of my last respects of 10th. instant sent you via Tampico and also a copy of a communication (marked B) made yesterday to the Secretary of State, to which I beg leave to refer you. On the Evening of the 15th. inst, I had the pleasure to receive a Communication from your Department of State, dated 12th March enclosing me the *Plenary powers* I had solicited, and a despatch for H. B. Majesty's Minister Plenipotentiary, R. Pakenham Esquire, which was delivered forthwith, and will be duly replied to by Mr P.

These advices were Very Welcome and opportune, I assure you, as I was thus enabled to make an important movement So soon as the pending holidays were over.

On Saturday 18th. inst, I had an interview with the Secretary of State, and informed him that I had received my *credential*, at which he Seemed gratified, and I exhibited to him the paper, of which he requested a *copy*, which I placed before him *Yesterday*, certified by myself, addressing him the official letter above referred to.

On receiving a reply from the Secretary naming a time, I shall call and shew my *original Credential*, and matters will *then*, stand, in a fair way as regards the Secretary and Myself, *so far as forms* are concerned.

^a Possibly United States Consul Marmaduke Burrough.

^b April 20, 1840. See Treat to Lamar, April 21, 1841.

^c A. L. S.

The Secretary has *privately* and *confidentially*, informed [me of] the course he is desirous to give to this Negotiation. He will call a *Special* cabinet Council to discuss the matter in question and place before it all the papers in relation thereto, advocating some action in the premises as Strongly as he can (without losing the Support of the President and his colleagues) he will press the Cabinet to pass the papers and whole Subject to the *Council* of the *Government* for its opinion.

If the Council recommend any action with a View to bring the negotiation to Some point, And the Cabinet (thus supported by the opinion of the Council) shall determine to go forward in the Matter, they will then appeal to the Legislature for the necessary *authorization* and *powers* to carry out such an amicable arrangement as the Govmermt, May think proper to make with the Govmt of Texas.

If we cannot get the *Vote* in *this case*, it may be because the chambers will not trust the Government with the *entire* negotiation, but may wish to fix Some *general bases* for the action of the Government.

Congress may also grant the full powers to *treat conditioned* that the *terms* and *Stipulations* shall be submitted for *approval* before the Govmt. can *close* any Treaty.

The application to Congress, if made, and their Action will be in *Secret Session*, and my Mission will *still* be continued a *Secret*, and myself *incognito*, as regards my Agency.

Thus, you see exactly how matters *now Stand*, and the various *ordeals* through which the question must pass before we reach any *final* result.

It is sufficiently obvious that if *Congress* will *authorize* [it], the *Govnermt*, will *act*, and I think promptly.

If the matter Succeeds with the Cabinet and Council and *reaches* Congress, I shall have Some hopes of Success, for I have *So arranged matters* that I can cause *some influence* there myself, if necessary.

This however, is the favourable side of the picture. I must See what the Secretary will Say to my *proposition*, (already forwarded you and marked A) and whether our plans *work* as we desire.

We must await the issue, as any opinions *in advance* would be worth but *very* little.

The letter I have received from the Dept. of State is Very Satisfactory, but it is *entirely silent* as regards any *new* or *modified* instructions in conformity to the Views of Gen. Hamilton, as communicated to Mr. P. (*Pakenham*,) and myself, both *before* and *after* his last Visit to Texas. I have adverted to this point on Several occasions, and as far back as my Respects of 20th. and 31st December; and *more fully*, under date of Jany. 18th.; and *Still more at length* in my despatch of 15th. February.

Mr. Pakenham, has been of opinion (and Still is, tho' *not so strongly as heretofore*) that you will not obtain your Recognition on this *first attempt*; but that some preliminary arrangement might be entered upon, such as an *Armistice* for a given time, within which the Mexican Govmt. would agree to prepare itself for a full Recognition, and consequent Treaty of Peace, Commerce, Limits etc.

This would be somewhat in accordance with Gen. Hamiltons views and Ideas, and what I wish to know is *whether these* are the Views of Your Govmt, and *how far* (if *at all*) I am to act in accordance with them. My previous letters are so full and explicit that I refer you to them, and cannot doubt but I shall Soon receive Some information touching these points So necessary for my Govmt. *if I fail in my pending application and plans.*

I also take leave to remark that the letter referrd. to from the Dept. of State contained not a word about *funds* to my order in New Orleans. *See my requests* in letter of 31st. december and subsequent ones.

Awaiting with anxious Solicitude, the Action of the Cabinet *here*; and *also* the receipt of your *further advices*, I close with a promise to advise You the moment anything of Moment occurs.

I felicitate Y. E, on the return of this auspicious day which gave birth to a new Republic, over whose happy destinies you now preside.

I have the honor to be with great Respect,

Your obedient Servant.

JAMES TREAT

To

Gen M B. LAMAR
Texas.

[Copy B.]

[Confidential.]

MEXICO April 20th. 1840.

MOST EXCELLENT SIR.

I have the honor to present to Y. E the enclosed Copy of my Credential and plenary powers just received from the President of Texas, which document I Solicited in consequence of Your Excellency's observation *that* without Said powers I could not explain the views and wishes of the Government of Texas; and also in order that my authority to confer and act in the premises, and to bind the said Government of Texas to the fulfilment of any act or acts of mine might be perfect and Complete.

I would, therefore, respectfully ask of Y. E. to have the goodness to appoint a time when I can have the honor to present myself to Y. E, and exhibit the *original* of said paper.

It affords me the utmost pleasure and satisfaction to be able to reiterate to Y. E. the Continued and Sincere desire of the President and Government of Texas for Peace and a good understanding with the Government of Mexico and its citizens, and its most earnest wishes that the present highly favourable opportunity for such an amicable adjustment of Existing differences between the two Countries as shall be alike honourable and advantageous to both parties May be duly appreciated by H. E., the President of Mexico and its Government, *as it most especially is* by the President and Government of Texas.

With these assurances, which I feel myself authorized to make, Y. E. will, I trust, permit me to add *on my own part* that I am most firmly persuaded that the *present* is the most opportune moment that can ever occur, *at least So far as regards Texas*, to adjust finally and favourably all questions in relation to that Country, and thus Secure a perpetual peace, and the numerous benefits and advantages that must result from the friendly relations, which will immediately ensue.

I therefore flatter Myself that I may be permitted to anticipate as early action on the subject, on the part of Y. E.'s Government, as the circumstances of the Case will permit.

I have the honor to be, with great respect, and the highest consideration

Your Excellency's Most obedient and Hble Servant.

Signd JAMES TREAT
*Confidential Agent and Special
 Commissioner of the Governmt of
 Texas.*

To H. E. SR. DN JUAN DE
 DIOS CAÑEDO, *Secretary of
 State and of
 Foreign Relations
 Mexico.*

BEE TO SECRETARY OF STATE OF TEXAS [LIPSCOMB].^a

(Copy.)

[Confidential.]

MEXICO 5th Feby 1840.

DEAR SIR,

I have but seldom written to you owing to my having been informed that you would be absent from Orleans, and further that I was doubtful of the House's fidelity which you referred me to write

^a It should be noted that the inclosure (A. S. Wright to Bee) comes first in order, preceding Bee's letter.

to, owing to their relations with Mexico. You are aware no doubt from my previous letters that war has been declared against Texas and that some time since the troops marched from here Pueblo Vera Cruz etc. to Monterey Matamoras and Tampico in order to embody near the Rio Grande, and as soon as a Sufficient number is collected with sufficient equipments to march into Texas. Troops to this day are Gathering from various parts of the Republic and marching to the Rio Grande country. The army is at present estimated at Eight thousand Infantry and horse and daily Augmenting, and the Congress has passed a direct law authorizing the Government to draw one million of Dollars from the Marine Customs to defray in part [expenses] in the Texas war. The same law authorizes the Government to lay a war tax of 6¼ cts monthly on each individual of the Republic to be collected monthly during the said war, Counting 8000000 of souls we have a monthly tax of at least (throwing away one half) \$250000.

Much time has been and is taken up by both houses relative to this interesting Country (Texas) and it is too rich a prize they think to be lost without an effort

I have understood that a Mr Treat of this place was authorized to make a proposition in behalf of Texas, and that Toledo was engaged as the Texas emissary, that Texas had offered \$8000000—report from a private source says that said Minister offered \$4000000, expect'g to keep the balance if Accepted. This may not be true, but be it as it may, Texas if she has offered this sum is very blind in so doing—if she would know anything of the present State of this Country she would be convinced that this money would be thrown to the winds and [. . .] mass of people composing various parties who would Only laugh at a law of recognition made by an opposite party in power today and removed from their seats on the morrow

If the Centralists were to recognize that Country from the best motives possible, and to the greatest welfare of the Country, the opposite party would take an advantage of the same, raise the hue and cry of Treachery, and the consequence would be a general Revolution It is more than the Centrals dare do, in the present state of affairs to recognize Texas.

Lord Palmerston of England, some time since in a private letter to the Mexican Minister of Foreign affairs in this City, Canedo writes thus or to the same amount "if you do not recognize Texas we shall" Canedo answered that they were in no mood to recognize Texas, and that he must not think that they had abandoned the Country, but were making every preparation in their power to retake it.

* Here some words are omitted by the copyist.

The press I am sorry to inform You is no longer free, and no political question can hereafter be discussed under very heavy penalties, so that you can no longer receive news from the Public prints.

The Act of the freedom of the press has been thought to be injurious to the Republic owing to its giving intelligence to the enemy of the movements of the Army Government, etc. This was set on foot by Canedo the Minister of Foreign relations.

A part of the lands on the Rio Grande have been given to the English as Collateral security.

The French Minister has informed me that France is disatisfied with Baudin's Treaty. I presume that you are aware that France has recognized the Independence of Texas.

Genl. Santa Anna has asked for a passport to leave the Country for Columbia etc and obtained it without any difficulty.

The Small pox is making its Usual ravages in this City.

The Spanish Minister has lately Arrived and was received in Great pomp, and a ball given on the occasion—you must not be surprized if Mexico does not throw her self under the Spanish protection.

Mexico now trembles to the very centre—foreseeing that her tawny sons and daughters must eventually fall. The Americans it is very plain to be seen must people the Country—Mexico must either come under the Yoke of a Foreign nation or be lost entirely, her external brawls wars and schisms are fast diminishing the last ray of hope.

The Californias With her precious pearls and fisheries of sperm whale, is entirely neglected Sonora with her rich gold mines is inhabited by wild savages.

The ^a are more fascinating mineral region of Chihuahua have Almost become entire wastes owing to the fierce race called Apaches who never Can be Conquered by the Spaniards.

The rich mines of Guana[Jua]ta and Zara Goza ^b and round about Guadalajara and else where have been labouring under a thousand disadvantages, for Want of Quicksilver, Experienced mineral Chemists, and useful machines. Some of the richest ores lost being covered by water. The roads are miserable, And Mule Carriage Eat up the Life and profit of the ^c and Agriculturist. If you wish another brush to this cast your pencil into the blades of the assassin's knife and Add to this Ten thousand robbers who Swarm throughout this more than wretched Country which would become by an industrious people one of the finest districts of the Globe.

^a Something is here omitted in the copy on file.

^b Zaragoza.

^c Here the copy on file has something omitted.

I conclude dear Sir by informing you that you have no time to lose, that the enemy are increasing daily and there is no knowing the day when they will cross the Rio Grande please write me and do not neglect to do so as I am uneasy having never heard from Mr Bryan—although I have written him on various occasions. Direct your letter to come by Mr. Snyder Vera Cruz who will forward the same.

I am dear Sir

Your very Obt Servt

B

To Col. BEE

N. B. Be careful to guard your words when you write me in Case that the letter should fall into the wrong hands.

WASHINGTON [D. C.] *April 21st. 1840.*

To the HON SECY OF STATE OF TEXAS.

Sir,

Conceiving that the foregoing letter contains matter both interesting and of an important bearing upon the Policy, Safety, and Welfare of Texas, (although not to be sure of very recent date) I have concluded to send you the copy complete, in order that you may be better able by having the whole, to judge of the value of the information, (although that part of it in relation to Mr Treat, in my opinion is not Worthy of Consideration—and I should not send the copy thus entire but in the full belief that it will be treated as strictly Confidential, and if preserved be placed in the Secret Archives of the State Department. The author is a Gentleman whose acquaintance I made in Mexico when there as the late Agent of Texas. and who I engaged to keep me informed of movements there.

I have the honor to Remain

Your Obt Servt

TREAT TO LAMAR.^a

[Private.]

MEXICO *April 24th. 1840.*

SIR,

I have detained these despatches *until* I ascertained *whether* there was a conveyance for them at Vera Cruz, and *being none*, I shall send them by *tomorrow's post* to Tampico, *where* they must take *their chance* for an opportunity for N. Orleans.

This delay enables me to hand you a despatch from Mr Pakenham to Your Dept. of *State*, in answer to the one recently received by Mr P. from Judge Burnet.

My formal call on the Secretary of State by his Special Note of invitation took place *yesterday*, [at] which, being *purely* a matter of *form*, nothing occurred. of any moment. The Secretary said he should Soon have the papers ready to place before the Cabinet, when he should endeavour to give the business *the course* already indicated, in my respects of 21st. inst *herewith*.

We must *now* await quietly a few days, until I know, the *fate* of the question, on the part of the Cabinet, which *may be* indicative of the intentions of Government; and *which* I will report upon, without a moment's unnecessary delay, for your further Government and Satisfaction.

I reported, in a former Communication, *that* the Bill So long pending before Congress to provide *Ways, and Means* for the recovery of Texas was *finally lost in the Senate*. This was *true*, and I supposed was final and *decisive* of the *fate* of the *measure*. But it appears, (as these people have a way in almost every thing *peculiar to themselves*.) the Secretary of War *re-urged* the Matter, the Committee of the House *again* took up the Subject, and reported a *new Bill*, with Some alterations, and it is *now* under discussion in the House, and its provisions approved of by that body, up to the 7th "*Article of the project*."

It is generally believed that it will pass the Deputies, and *as generally thought* that the Senate will *reject it*. A few days will decide.

I asked the Secretary of State yesterday whether the passage of *that Bill* would not *interfere* with *his plans*, and those of the Cabinet, to which he replied in *the negative*. Said he, in the *first* place, the bill, in my opinion, will *not pass*; and, if it should, it may be considered a *dead Letter*, so far as Texas is concernd.

This confirmed my previous opinion that the Revenue Contemplated by it is wanted for *other* purposes. As the bill *now stands*, the Govmt. can apply the proceeds of the Revenue to the *Restoration of Texas*; the *Protection* of the frontiers from *Indian depredations*; or may *distribute* it, at *discretion*, among the Departments.

So that there is nothing, scarcely, in Said bill, which has any bearing on Texas, *except its Title*. My friends will *stop it, nevertheless*, in the Senate, *if they can*, as it will have a good effect on the Cabinet as regards my *direct progress*.

April 25th. Evening. Since writing the foregoing, I have seen Mr Cañedo, and *also* Mr. Pakenham. The *former*, told me *that*, on the 27th. *inst*, he should open *my affair* to the *Cabinet*, and *he* thought things looked well.

Mr Pakenham, since I saw him, has sent me his Letter (open) to the *Hon. Judge Burnet*, instead of to the Hon the Secretary of State, as I had, *without reflection*, supposed.

You are of course *well aware* that Mr. P cannot address himself *officially*, nor *give* any *official titles* of Recognition, in his letters to any *public functionary*, where the *country* is not recognized by *his Sovereign*. Hence the Style of the letter *herewith*. He requested me to make *this* remark, altho', it [is] obvious that no exception could be taken. I think the contents quite Satisfactory. You will therefore I trust, look over the Expressions of "*Gen Lamar*" and "*Texian Authorities*" as an *official obligation*, on his *part only*. Pardon haste, and believe me Very truly and with great respect

Your obedient Servant

JAMES TREAT

To

Gen. M. B. LAMAR

Texas.

PAKENHAM TO BURNET.^a

MEXICO, 25th. April 1840.

SIR,

I have had the honour to receive from the hands of Mr. James Treat your letter of the 12th. March; and I am much gratified to find from it that the steps taken by me, in fulfilment of the instructions of Her Majesty's Government, towards effecting an arrangement between this Country and Texas, have been viewed with satisfaction by the Texian Authorities.

The difficulties which had existed with regard to the recognition of Mr. Treat as Agent for Texas having been removed by the full power lately transmitted to him, he will now possess the advantage of communicating freely and directly with the Mexican Government; and it will afford me sincere pleasure to continue to cooperate with him whenever he may think my assistance desirable.

I have to request that you will be pleased to present my respects to General Lamar, and to accept the assurance of the high consideration with which I have the honor to be

Sir,

Your most obedient
humble Servant,

R PAKENHAM.

The Honble.

DAVID G. BURNET

etc etc etc

BEE TO TREAT.^aTREAT TO LAMAR.^b

[Private.]

MEXICO April 30th. 1840.

Thursday, 12 o'clk.

SIR.

I avail of the English *Cabinet Courier* to hand you, herewith, *duplicate Copies* of my last respects of 21st. 24th. and 25th. inst. in case the originals, sent *via*. Tampico, Should be *delayed*; and to which I beg leave to refer you.

I had *hoped* that I might be able to say *something*, by *this conveyance*, of the *result* of the session of the Cabinet on Monday, in relation to *our affairs*, and, for *that* purpose, I had omitted addressing you up to *this*, the *latest moment*; but neither Mr: Pakenham nor myself have been able to see the Secrétary *this week* from his indisposition, and the many occupations of the Cabinet, who, with the Ministers, are often in *Session on home affairs*.

I trust however, in *my next*, to be able to apprise you Something of the *result* of this *first formal Step* in my negotiations.

I have addressed the Hon. Secretary of State, a *separate despatch on other business*, which goes *with this*, and to which permit me to refer You, hoping for your approbation, in the course I have pursued in this matter.

With great respect and Consideration, I am, Sir,

Your most obt Servt.

JAMES TREAT

To

Gen. M. B. LAMAR

*Austin**Texas.*BEE TO SECRETARY OF STATE OF TEXAS [LIPSCOMB].^c

Letter No. 1.

VERA CRUZ Augst 29th. 1840.^d

DEAR SIR:

I arrived here on the 28th. which was yesterday week, on which day (Sunday) a Bull fight took place, and another yesterday, in honor

^a April 28, 1840 (extract). See Treat to Lamar, July 4, 1840.

^b A. L. S.

^c It should be noted that Bee's letter follows a transcribed series of three letters from Wright, the whole forming a single manuscript.

^d 1839.

it is said, to Santa Annas return here as Commandante General of this "placa." The present Commandante, General Don Francisco de Paula Taro, of Vera Cruz who is brother in law to Santa Anna, will then of course be Teniente General or Second in Command. Santa Anna is however delicate in health and is at his Estancia (Farm) some thirty miles from Vera Cruz, but I have my doubts about his being in a delicate State of health, owing to private Conversations overheard. Some Strangers (Merchants) say they have their doubts as to his returning to Vera Cruz, and I have been unable to learn particulars, as every thing is kept within the knowledge of the few. The mass of the people are a conglomerated mass of colour and as ignorant as they are mixed. When I arrived there were several French men of war here, but they were only awaiting some of the Government Claims. They received Two hundred thousand dollars, which Cost the Mexican Government (it is said) near half a Million to raise it. These Vessels of war have left and there is nothing here but a small English packet lately from Tampico, and two other english vessels of war lying off.

Bustamente has taken the Presidential Chair in Mexico, not I presume with the good wishes of Santa Anna, but owing to the will of the leading Characters of the various juntas who are at the head of Government in Mexico. General Filasola is said to be at present in the City of Mexico. He is one of the instigators of war against ——^a but at present his influence is not to be Considered. Santa Anna it is rumored has not yet lost his ambitious Spirit but walks erect with his artificial foot and thinks he is as able to Command an army or Conduct a campaign as he ever was, and no doubt is looking forward to another Revolution in his favor. Thousands are Said to be on the eve of raising the hue and cry of "Viva Santa Ana" You may shortly expect not an invasion of —— but of the City of Mexico. The account published in the New Orleans [Commercial] Bulletin of the 11th and 13th of July of the sixty Thousand men having been called for, to march against the Republic of —— was correct, and it appears that some few men have been raised for that purpose, but some were dismissed under certain conditions, and for the present as far as I can learn the expedition is postponed, some say until January, others who have some knowledge of the movements say that the sixty thousand men are to be raised to defend the various Mexican ports and not to invade Texas. But one thing is certain that Sixty Thousand men have been ordered to be raised, in order to retake —— and the opinion of the people here is that

^a The blanks that occur in this letter represent words which in the original are written in cipher. The character is the same in every case but one, the exception being noted where it is found, and the word meant is evidently Texas.

—— will be envaded, and I give you in confidence the American Consul as one of my informants, and I am convinced that it is the intention of the Government at present; but when or how they can accomplish their end in view, God only knows.

1st. Their treasury is empty, their credit is bad, their paper worth not over fifty Cents in the dollar, was given payable in the Custom House in this City (Vera Cruz).

2nd. Who shall take Charge of the troops? Jealousy stalks abroad in the Country, and who can be trusted? None, he who commands the army may command Mexico. But take away the army, and up springs a petty tyrant, and with the voice of the Rabble puts himself at the head of the government

3rd. It is true there arrived here two cargoes of ammunition, and three more are expected, but such was the State of affairs here, that they had not money enough to pay the caravans to take it to Mexico. It was however taken to the City. It is also reported, that Mexico has made a requisition, in England for a large Stock of arms, which are shortly expected. Some however doubt the validity of the report; but let not this sink into the minds of the ——^a even if it should prove true; these arms will only be put into the hands of walking statutes, who will only use them in a measure mechanically or by force destitute of that invigorated spirit which influences and propels the true Patriot to take up the cause and fight for his Country. They also talk of Calling for Volunteers, in order they say, to make a general feeling predominate throughout the Camp, and Country, that of a universal wish for the extermination of the "Rebels and Pirates!" "*Who against the laws of all Nations have taken possession of the Country,*" may be exterminated! But when I think of the soldiers of this country who scarcely ever receive their pay, who are sadly clad, and have often to travel without shoes, [it] makes me of the opinion that a third who start for the Republic of —— will never be able to reach it, and those who do will be so much enfeebled by bad treatment and long marches that a thousand —— may drive Ten Thousands of them from their Shores by good management and regular discipline. I would say more, but as I leave in the morning for Jalapa and from thence to Pueblo, and thence for the Capitol, think it prudent to wait until I can give something more Certain but give you to understand that it is my opinion that —— will not be invaded for some twelve months to come.

I am dear Sir Your Very humble Servt.

^a Comparison between the character used here and that used at other places in this letter indicates, as one might judge from the context, that the word here intended is Texans.

MEXICO CITY *November 10th. 1839.*

DEAR SIR,

I have postponed writing during the last two months, owing to my being unable to procure correct information relative to the important object, for which I came to this Country, and further the great hazard of my letters falling into the hands of the enemy before they could reach the Coast, not only from the hundred spies of the government, but from the various *partidos* of *Federalistas*, who bent on revenge, still scour the plains in search of News and plunder. Sometimes the highway is interrupted by gangs of fifty of those desperadoes who sally from the Mountains or ravines under the mask of brigands, drive off whole Caravans without respect to person or property; add to these, the professed brigands who infest the Country in every direction, and you may form some idea of the risk of conveyance of private or Common business letters from the interior of this Republic. But having returned to this City from a tour through the Northern part of Mexico, I shall be able from time to time to write whatever of information or of interest that I may be able to procure, relative to that which most interests a patriotic heart in the welfare of his Country.

1st. A concise view of Mexico at present so far as my information extends, stands thus. Chihuahua City with a little upwards of twenty thousand inhabitants, stands at present at a very low ebb; its police broken up for the want of money and of confidence; The various *partidos* have not only rendered miserable the citizens of the City, by their various broils and bloody skirmishes, but the whole state with 180,000, inhabitants from causes of a similar kind have been rendered very miserable, setting aside other events if possible still more distressing. $\frac{5}{8}$ th. of this people are Indians, poor, miserable beings, that drag out life in a truly wretched State; domineered over by the more superior class of Mexicans, who are generally natives born but descendants of Spain. Add to the above, the drought of the past season, during which many died of hunger, hundreds swept off by the small pox, their villages plundered, and many of the male inhabitants murdered, females who could not escape, ravished, and carried off on various occasions by the ^a tribes of the north. Groaning under various accumulations of Misery, again and repeatedly they have applied, to the Head Department for assistance, that their frontiers might be guarded; Congress full of other matters; political villainies lurking, in every quarter has been unable to alleviate this more than wretched state, until the people are almost driven to desperation, and had they the means and intelligence necessary they would form a petty government of their own. As respects the feelings of this people in general, it is hostile to Texas, but there are

^a A blank in the copy on file occurs here.

some of the leading characters of the Federal party who pretend to be friends with Texas, not openly, but from a private source (and in confidence) have I learned the Same. But I would not have you lay too much confidence upon the friendship proposed by those who skirt the Rio Grande, and ^a nearly to Rio Nueces, some of those, I have learned, have made propositions to the Government of Texas; be *Alert*, be aware ^b of treachery; the same proposals have been made to the Centrals (who are now in power) by the same individuals, proposing to lay aside their national quarrel for the present, and join as a patriotic body in the expulsion of a foreign enemy. Be aware of CANALES, he has called on the Mexican Govrmt. for assistance to drive the Texians from their post on the Rio Nueces. (Casa Blanca or White House) *he no doubt has called on Texas in the same way.*

Durango—The affairs of state in the District of Durango, bear a much better aspect than the last mentioned, and I find the people to be of a much more active class of beings. It and Coahuila are almost the same; they are scratching together ways and means to assist Tamaulipas to drive the Texians off the Rio Nueces; Durango, Zacatecas and New Leon would shew much patriotic feeling for Mexico, and hatred towards Texas; in fact the great majority of the leading men, on Rio Grande, are far from recognizing the independence of Texas, and in this Country, the voice of the few wield the will and sentiments of the thousands of the motley crowd. However, want of money and party spirit is a great annoyance to the enemies of Texas. The want of confidence.^c

The Central part of Mexico, is tranquil as respects party Spirit. I can hardly say the same of the Southern Coast, of the Mexican Bay, nor of the Pacific: Many of the Citizens of these districts are not content. But nothing serious is apprehended. A declaration in favor of Santa Ana, *at most*. A feeble attempt of the Kind was lately made by Genl. Urrea, but, poor fellow, after suffering much of anxiety for the completion of his plans, he was taken prisoner ten days since, under an assumed name in a convent of Guadalajara.

Having run over in haste the Country at large, giving you a hurried and faint sketch, I shall proceed more leisurely to give you the movements of the Head Department. In the meantime I would not have you forget, that a small force of enemies (and augmenting) were uniting on the Rio Grande in May last, but doubt its ending in much. I informed you when in Vera Cruz about the first of August, that the great Army Spirit had in a manner ceased to exist, and that it was not likely that an army would or could be raised under Some ten months to go to Texas. I was, from what I have

^aAnother blank.

^bMeant for beware.

^cThere are two copies of this letter on file, both of which show the incompleteness here indicated.

learned since, not far wrong in my surmises. But, previous to my entering upon affairs of more weighty interest, I must inform you of what I learned of one of two principal officers under Government. One the Governor of Vera Cruz, the other a Colonel who had been in the Texian War with Santa Ana. This happened in a village called Santa Fe. The Colonel was a German. I, like Satan roving up and down the world was very anxious, from what I had overheard to ingratiate myself if possible with this Colonel; having watched my time, I pounced upon him in German, he replied in English; a long conversation ensued, and to my great surprize he informed me, amongst others, the following That the 60,000 men were now considered unnecessary, as the enemy had left the Mexican ports, and that an Army would now be raised by Volunteers or draft, not 60,000 but some 20 or 25 thousand men, to go against Texas, and he expected to be one of the Officers. He said it would be some months first, before affairs could be regulated to equip a campaign. They were awaiting supplies of powder from the North—their arms were on the way from England, or had already arrived at the Custom House—that the intention of the Government was to have Steamboats or Schooners to carry the right wing of the Army, (he meant the troops that would be taken by sea) to the Coast of Texas; and that they intended to have flat bottomed row-boats, by which the army could be landed under ambush by entering the inlets. They are all to be landed (said he) either by the mouth of the Nuices or Colorado rivers, as circumstances would permit and from what I have since learned he was correct. As I am persuaded an army will march next spring, *if money can be raised by loan.*

Again, he informed me that Monterey, would be the depot rendezvous, Matamoras and Tampico would be the ports of embarkation, and that the troops destined to march would start direct for some point on the Rio Grande; he supposed the army in all would amount to 20,000. men. This, Dear Sir, I give you pretty much word for word as I then received it. (The conversation overheard is unnecessary to relate here.)

HEAD DEPARTMENT, *Mexico City Nov. 1839.*

Important; Congress is still in Session. Bustamente, President; and much time is occupied in both *Camaras* in Secret or private consultation. Two very important points take up much of the time employed in private Council: The first is to establish tranquillity throughout the Country by granting such privileges, and passing such laws, as shall be conducive to the happiness of the people, and carry with them the desired effect of leading over to the present power, the revolting spirit, that still stalks abroad in many of the frontier states. *So far, so good.*

The Second, and no less important point of secret discussion is upon "the Ways and Means" best calculated to carry success, in the RETAKING OF TEXAS!!! Too true to be a joke. Yes, dear Sir, I have had much difficulty in procuring this important fact, and with much risk to my personal safety. Thrice have I been announced as a suspicious person, but fortunately the information was so lame in every point, and the traitors (for such I must call them) not being able to prove anything, with shame fell short of their object (and this to make themselves popular with the Mexicans). The 1st. was

" of Memphis, who saw me conversing with Col. Bee, and who came with me in the Same vessel. The second was who came with

He has returned to Orleans, and intends to go to Texas to live; he is pock-marked, sandy complexion, slender built, about 25 years of age. The 3d. I having learned that something not very favourable had escaped the lips of Mr. in reference to me,

I obtained thereupon his word of honor (a puff of wind, his honor) that whatever he knew directly or indirectly, or by hearsay should be kept secret. And did he keep it? No Sir; like a low puppy, far beneath the character of any gentleman, his tongue was that of a Silly unthinking woman. A few days after this, a Mr. S of Philadelphia, put me on my guard against Mr. . So much for this

is still in this City; but as I have forewarned him of immediate death in case of another word, that I am somewhat persuaded that he will remain mute, as I am of the belief that I ought not to leave the country, until every thing is ripe for destruction; which I have no doubt will be in March. *I hope I may be wrong.*

But to proceed to the movements of the *Deputados* of the Camara, relative to the retaking of Texas. Perhaps in no country is it so hard to procure correct information as in this. Every pass, every link, every fibre that is made to compose the materiels of this brooding war have their origin around the midnight lamp, or in the retired fastness of Some appropriate room of Iturbide's palace—the Diarios (papers) of the day, are as silent upon this great outfit as the pyramidal tombs of the Emperors of the ancient Mexics. Thus, dear Sir, arises the great difficulty under which your Country labors, you can have no correct or at least no important information, except from travellers, and they too often write from the spur of the moment. For instance, you may go aboard of a vessel from this Country, and enquire of the passengers, what news from Mexico? and no two will tell you the same story. One will say, all is quiet, and no efforts are making for war, because they speak from self formed opinions, or external appearances. The secret movements of

* The names of persons mentioned in this paragraph, except that of Colonel Bee, have been carefully erased in one of the copies on file and omitted from the other.

a political body Can only be obtained in Mexico by one who resides in the City and makes it his sole business for a time, for months, we may say, courting favor with those who are in the favor of the Courts. This has been my plan since I arrived in this City and Country, how far I may have been successful, time will tell.

1st. Bustamente it seems, has been chosen as the leader of the Army about to be raised (Santa Ana will probably take the chair in his absence) or some other, it is not yet known I believe.

2d. To raise men, a list of the young unmarried men, and widowers (without issue or children) and Bachelors, throughout all the Mexican territory has been made, as a proof of which I have seen a list of some 6,000 names residents of this city, out of each a certain number are to be drafted, I cannot give you the exact number. (The infantry and horse of this City already amounts to some 3,500.) The proclamation that I saw issued some time since to have the draft made throughout the States without fail was so carefully worded that the mass of the populace scarcely know the intention of the draft. The idea held out is an augmentation of the army to defend "*La Patria*," against her enemies, and for the better protection of her frontiers and coasts, which is the self and same thing, and likewise to replace various vacancies caused by the expired time of certain soldiers.

This great draft will shortly be made in the form of a Lottery.

2nd.^a To raise money to fit out a campaign with an empty Treasury? This I know has been harped abroad; that Mexico could do nothing for want of means; the Treasury, true is in a measure bankrupt, but Congress anxious to lend whatever it can in so worthy a cause will vote for almost any act, that will be beneficial to the cause, and if I mistake not, a law already has been passed, authorizing the Government to borrow \$800,000; but setting aside this sum; Mexico has many very wealthy citizens who are ready at a moment to lend thousands upon thousands to defray the expenses of the war against Texas, and that, upon moderate terms of interest; as a proof of what I say, I give you for example: At the time the French had taken Vera Cruz, an army was about to be raised here in Mexico, and that to be paid in part by Mexican citizens, when one man alone (Col. ^b) proposed to furnish 6,000 men; therefore do not be deceived: Had not the French annoyed the Mexican's Coasts, an army would have been on foot long since; thus when I was on the frontiers, the Comanche Indians boasted of the great Mexican Army, which was to assist them against Texas; I wrote the same to head-quarters. These same Indians, I have learned are growing impatient, and it is urged by those Spanish officers in Texas, that if the army is not soon on

^a Either a misnumbering in the original, or an error in making the copy on file.

^b Name not given.

the frontiers, that the Comanches may turn in favor of Texas, and thus one very important point of Country fall into the power of a wild and ferocious enemy, instead of having it guarded and defended by the same. Another Spur to the quick advancement of this contemplated expedition is the probable recognition of Texas by France. As it respects a recognition of Texas by Mexico, there is no hope at present.

I am persuaded that the cry of honor and war must resound once more, when I hope (and not without grounds) they will be satisfied and be brought to terms. Guard well your Coasts, and let not the Country encounter the enemy unprepared. There is but one impediment, that I know of at present, that may impede or frustrate the designs of the present enemy; and that is should another revolution take place in this Country. Again Mexico is aware of the rapid increase of Texas, and that if the blow is not struck soon, very soon, no hope of victory will remain. Oh! deluded race of beings. Would it not be much better to come to terms of peace, than to risk another war? Rouse not again the lion's whelp, it has grown strong, and its power if exasperated further, may be felt beyond the Rio Grande. Yes, dear Sir, I am persuaded at the present state of affairs that 3,000 well armed Texians, landed on the Rio Grande could lay waste the five principal states bordering west of said river. Again, Dear Sir, I urge you with all the powers of my soul, and at the risk of this communication, not to treat what I have here written with inattention. I would not have you run the Country to any unnecessary expense under present circumstances, but what I would wish you to understand is this, be on the alert, let the Government be in such a position as to be ready to act, and Supply means at a moment's warning, in case the enemy does come. I shall remain until I am convinced of the certainty, in the meantime you will hear from me; but I shall not cry "*To Arms*," "*To Arms*" until I behold the enemy embodied in this country. Then by extraordinary express I will announce to you the Same.

But I would not have you misconstrue my words; I mentioned in another page, of troops gathering in Tamaulipas, in New Leon, and in Coahuila; this was set on foot in the forepart of Summer and I understand it was rather doubtful if it would amount to any thing serious. These were only intended to draw back the Texans, and not intended to make a general invasion. It would perhaps be well to spy out the Country between the Rio Grande and Nuices, but should troops be discovered in said part, it must be the business of said spy to ascertain for a certainty (if possible) if said troops be enemies or vanquished federals, who have only posted themselves there for security; in being thus careful much unnecessary expense and excitement may be avoided.

As respects El Sr. Canales, who took refuge in Texas in April last, you perhaps know more of him, than I can inform you at present; it is supposed by some here that he has thrown himself upon that Country. As before mentioned, he proposed by letter to Genl. Canalisso of Matamoras to join against Texas; the Genl. was suspicious, and did not think it prudent, either to accept or discard the offer, but proposed to a higher source, that it would be well to secure Canales for a time, until the truth of his loyalty or villainy was determined. At present (November) from last accounts which I received direct from Matamoras and Tampico, State the amount of troops (under Genl. Canalisso) from "and adjoining States to amount to 2000 men, but it is presumed that these troops are not designed for foreign but internal purposes, namely, to keep down the Federal party. The Country therefore I have reason to believe is without any formidable foe. A few stragling parties at most (I mean [in the] Rio Grande Country).

Genl. Filisola is commander in chief (of the troops) in Mexico. Genl. Arista, is now in this city. Gen. Victoria is in Vera Cruz. Santa Ana, I believe, at his estate, near Vera Cruz; he took with him when he left this city, in Gold \$76,000!! (Doubloons \$1.216.000!!) and \$300 over in Silver which he could not exchange here for gold. So much to be a president with power to make contracts for Government.

I am Sir, Your Very obedt. Servt.

MEXICO CITY *Novr. 18th. 1839.*

DEAR SIR

I have no doubt you have considered the time long since I last wrote you, and perhaps thought strange of so much time elapsing without any intelligence directly or indirectly relative to Mexico. The truth is that I have wrote since I have been in the Republic several letters, and as often destroyed the same, owing to my having been misinformed, and the great probability of my letters not reaching the Coast in Safety, my having been so far in the interior. Perhaps there is no country in which it is so hard to come at matter of fact as in this; the great mass of beings that compose the population of this romantic and interesting region are far behind, as it respects intelligence of mind, in the advancement of knowledge, the Camanches, and Pawnee tribes, who have had their homes in the far western wilds out of the reach of civilization. The latter tribes averse to every species of domestication, still out-vie the Mexican Indians in almost every point. Three-fifths of the whole population of Mexico are Indians of the lowest order; they live in mud cabins, straw huts, under projecting banks or rocks, and many the wide canopy for a covering; they live

* Name not given.

from hand to mouth, and hundreds die annually for want of food; these of course, Dear Sir, were not likely to give me any great information of an interesting nature—and nothing correctly.

Among the higher order of beings in this country is the only source from which, then, I have been able to procure any intelligence whatever, matter of fact, or otherwise the Contrary; and [I confess] that, as an important truth related to me one day has as often been contradicted on a succeeding day; thus I have torne up my letters and burnt my notes, least^a I should commit a fault in writing you that which was not correct.

Much of the news published in your papers relative to this country is very erroneous, given by travellers who have been here, or who live here, who write from first sight, over excitement, or on the spur of the moment. You may therefore Dr. Sir, consider whatever news coming from the present source as having been well digested, not having come from a single blast of some noisy throat or whispering news-carrier, but from a source that will carry a weight sufficient to justify at least the probability that I have hit the mark.

Questions.^b

Answers.

Who is the President of Mexico?
Where is Santa Ana?
What is he doing there?

El. Sr. Bustamante.
At his farm near Vera Cruz.
Contemplating on some visionary political event, and enjoying the fruits of a million of dollars, carried with him from this city, the reward of his "full" duty while President.

Will the people call him again to the Head department?

It is very uncertain, he has many friends and many enemies. It is said he wishes to live retired from public life.

Who is the commanding Genl. in the City of Mexico?

Genl. Filisola, the same who was with Santa Ana in Texas.

How many troops have they in the City?

3,000 Infantry.

How many Cavalry?

500 Cavalry.

How equipped—how clothed?

Tolerably well, better than any I have seen in the Republic.

What are they now doing in Mexico?

Ringing of bells and Saying of Mass.

What for? for fire?

No, for one eternal round of prayers (perhaps spiritual fire).

^a Lest.

^b In the manuscript, this series of questions and answers is transcribed immediately after Wright's letter of November 18, without any explanation or even reference to them.

Questions.

Answers.

Have they much wealth in Mexico?

Yes, millions in Convents and churches; gold and Silver and diamonds weigh down their altars but it all belongs to the clergy.

How is the Treasury?

Empty, drained to the last dollar.

What resources to replenish the Treasury has the Government?

The enormous duties paid on goods brought into the Country, and likewise export duties with rents of mines etc. etc.

When will she be able to pay her public debt?

Can't say. I am informed that there is excess in favor of Government in time of peace.

How is her credit at home and abroad?

The credit at home is truly bad, and I believe worse abroad. However, She with England still has power to make loans at enormous rates; it is the only country to which she is able to apply for assistance.

Can she raise money by loan at home upon any terms?

I find that by the consent of Congress, she may lease out certain of her mines by which she is enabled to receive [payment] in advance, or make loans when there can be found those who will lend her money.

Will the citizens lend her money to pay for expenses for internal revolutions on any terms?

Only by solvent security.

Can she find those who will assist her to expel a foreign enemy?

I have been informed that when the country is invaded or likely to be so by a foreign enemy that among the patriotic rich are to be found those who are willing to lend assistance upon very moderate terms. For instance, had the French continued their march into the Country.

What do [you] mean, by "if the French etc. etc."

I mean, Sir, that the Citizens of Mexico (City) proposed to pay the outfit of ten thousand men to go against them.

Questions.

Answers.

If that was the case, why do not they supply the governmt. with means to retake Texas; I should suppose they were foreign enemies as well as the French, since they will not recognize their independence?

Were you to ask a Mexican or one of the Courts you would perhaps receive the reply "that the world was not made in a day," but as a traveler in this region of the clouds I must be more explicit with you

1st. Suppose means were offered them to go against that country, have they had the time? Have

they been in a state during the last two years to leave the Country in safety? Has not party spirit and internal wars prevented anything of the Kind? 2d. As a proof that the ruling party have had some hope of regaining that country has not the whole North West frontier of Texas been swarming with hostile Indians Kept in fomentation by various Spanish officers under the recognition of Mexico: But 3dly. I must inform you as a matter of fact (if any matter of fact can be obtained in this Country) That the year Forty! in the spring there will march from this country an army not exceeding Twenty five thousand Men, which is to be paid for, in part, by the patriotic citizens of the Country, and that his Excellency Bustamente has been named as the leader of said Campaign; but of course as President he must decline the offer. Another must have the honor of leading this grand expedition, against those "*Rebels*; foes of God and Liberty," "Traitors as Citizens of the Mexican Republic that invited them to come and partake of her lands at very reduced prices." The above Dr. Sir, are expressions frequently made use of here, relative to the Texans; here in the far interior, among the populace who know but little about mankind, or the laws of Man, or even of their Creator [they] View the Texans as a distinct class of people who having lost the fear of God, the Virgin and Saints, and all that is human or divine, as such deserve to be exterminated. From Whence? would you ask received they the intelligence? I answer from the Black-robed gentry of the sacred *

Questions, Continued.

Answers.

Are you certain that the Mexicans are about to invade Texas?

I am so far certain, it is their intention at present, and as a proof of the Same, a proclamatin has been issued, to have a list taken of a certain number of

* The sentence ends abruptly here.

young men—throughout the Republic, and that a draft be made from said number in order to replenish the Army with troops sufficient to defend “La Patria” against her enemies”. In this City already has appeared posted on the corner of the Streets, [a list] of three thousand names taken in this City; they are printed in alphabetical order, commencing at A, and the list reaches down to H, from which I judge that the whole list must contain in all 6000 names. Out of this the draft is to be made. The proportion I know not. It is in accordance not with the act of Santa Ana (of 60,000) but of the more moderate plan, I presume of Congress. I am informed that *they intend* to carry the Army in part by Steanboats with scows to the mouth of the Nuices, or between that and Rio Grande, or near the mouth of Colorado, and land the men with the small boats along the unfrequented coast of Texas, and thus take the country by surprise; Matamoras and Tampico will be the posts of embarcation; there will also at the same time or previous march an army from Monterey or thereabouts by land to some point on Rio Grande, and from thence to Texas in order to meet if possible, near the same time those embarked by Sea. (If steamboats cannot be obtained, Coasting vessels will be employed instead.) Now should nothing impede this grand effort of Mexico, you may expect the arrival in Texas, of the enemy about the 1st. of May when those noble sons of that little star will have to wake up, and try another San Jacinto battle, or receive their fate like unto the vanquished of that day.

Questions.

What is your opinion as to the future events of these two countries?

No Sir, how can I be content with such an answer. I dare say you will remark.

Answers.

My opinion is this however erroneous, that there is but one way in which Mexico can retake Texas, but as I believe myself in duty bound to keep close in such important matters, you will excuse my silence on this subject, and be satisfied in my telling you that Mexico will not pursue the successful path. Are you satisfied?

But as my precarious condition is so delicate, in a Strange Country, you will have to excuse my indirect way of writing to you, as a thoughtless hint might provide me a dungeon, or a cell for future meditation, should my letter fall into the hands of an enemy.

Questions.

Answers.

But you can give me your opinion. What will Mexico gain by this war or what will she lose, or in other words will she prove victorious, or will she be vanquished?

I hinted above that she was not taking the right step. I believe that she will fail in her object, that is, she will get whip't. providing the Texans prepare in time, keep united and do not fly the country: she must not pounce or rush upon the enemy at once or she will be overpowered, but she must fall back, retreat, reconoitre, and again retreat. In this way they may torment their enemy until their provisions grow scarce, and their Cavalry be diminished, their Soldiery become tired, when they (the Texans) may make a successful rush upon the enemy, gain an eternal victory over their Mother foe. Such an event will be the immediate recognition of Texas by Mexico. But why should I be writing to you so much about Mexico and Texas? *You surely can't have much interest for either party, and as for myself, you know that I am averse to all kinds of politics and political movements.* I must tell you something else.

Mexico City is well built, solid in its structure and beautified with numerous palaces, with three hundred towers.

Situated in a valley of the clouds, in a tropical climate, where man feels neither heat nor cold, two hundred thousand souls, within its bounds, live, move, and breathe; the rich in Coaches roll their usual rounds through favorite grounds in careless ease. The aspiring merchant, and the industrious of the medium class only bear affinity with the customs of an American City; fifty thousand souls of native Mexican blood daily crowd the Streets in search of food, for which some in errands pay, some with trivial toys made of rags, or wood or potters clay; ten thousand more, like Naples Lazaroni, crown around the portals of convents, kneel, and under arches stand and along the frequented streets and walks, bend their way supplicating each passer-by in accents of pitying woe (by practice learned to perfection's point, showing some a withered hand, or crippled foot, or deformed limb, or disgusting sore or some framed excuse) for a Medio, (6½ cents) to buy them bread, which when obtained, [they go] direct to some pulky^a shops (where a kind of beer is sold) and scarcely leaving a fourth for bread.

This, Dr. Sir, is the State of Mexico.

Questions.

Answers.

What do you know of the Rio Grande country?

The Rio Grande country I pronounce at a lower ebb at this time than any other part of the whole republic of Mexico. This has

^a Pulque.

been caused from the great drought in Chihuahua and the surrounding country last summer, by which many of the lower classes died of hunger. The Small pox carried off hundreds, and many of the villages of the country were laid waste by the Wild Indians

A Query—Chihuahua? *

living North and N. East. of that State. Add to this the revolution and its attendant consequences, and you may form some idea of their condition, without a police, driven to a state of desperation they have applied to Government in no very supplicatory terms for some immediate amelioration of their sufferings (having often stated their wrongs without being heard).

The country from Chihuahua, South, has not suffered so much from drouth etc. as the above, but the whole country down to the Sea Coast has been in a measure ruined, by the revolution, and at present, but little of interest is going on. Genl. Canalesio of Matamoras has under his command some 2,000 Men, in order to keep down the Federals. He applied in May last for an increase of troops to drive the Texians from *Casa blanca* (White House) on Rio Nuices (Nut River) but I cannot learn of anything having been done.

Some of the Federals I have been informed, applied ^b to that country (some six hundred) between Rio Grande and Nut River; whether to live with the Indians or with the Texians I cannot inform you; likewise, one whose name is Canales, at the head of about 1000 men, also of the Federal party took refuge in that Country. The same wrote to the General at Matamoras (Caneliso) proposing to lay down their quarrel, and as true Mexicans, join and drive the Texans off of their post at *Casa blanca*. Mexico doubting of his sincerity did not accede, but concluded not to persecute him further. Genl. Canalisio of Matamoras wrote here, that Canales had made the same overtures to the Texans, perhaps you know more of this matter than I can inform you; I believe therefore that this constitutes the troops on Rio Grande. Spanish officers are still roving over the Texian frontiers, seeking friendship with the wild Indians, and frequently writing to this Government to hurry on with an Army, lest ^c the Camanches should grow tired in waiting, and turn in favor of Texas.

You may expect to hear from me shortly; Keep my Name from the public prints, and be so good as to write me to Vera Cruz (be careful) to care of Eliot and Snyder, who will forward the same to Mexico.

I am etc.

* Note by copyist. Of course the name intended was Chihuahua.

^b This may be simply a bit of bad English for "betook themselves."

^c Lest.

Notes, etc.

"I can give you nothing of what may occur here, as the news has just arrived; this immediate declaration of war has been set on foot (much sooner than I anticipated) by Canales and Zapata joining Texas, and they are apprehensive that Texas will make a rush upon Matamoras."

Mexico, (Important). Nov. 19 10. o'clock. P. M. 1839.

DEAR SIR,

I in haste send you this slip, declaring to you that an immediate invasion will be made upon Texas; I have received dates from Matamoras, bearing date 8th. Novr. Genl. Canaliso, on Sunday called on the inhabitants to raise to arms. The Alcalde likewise has sent out a proclamation, and the whole Rio Grande Country West has been supplicated in the name of God, and the Salvation of the Country to turn out en masse to go against that Republic. Awake! The hour has come. The War dogs Come! The regular troops are only 2000.

Yours etc.

Note, 19th, Evening. (Important.) I have just recd. intelligence from Matamoras, that Canales has joined Texas, and said letter says it is more than probable that a great part of the Federal party on Rio Grande will declare for Texas, but more of this to-morrow.

Note of 19th—I received a letter this morning from Zacatecas stating that an attempt in that City was made a few days since by the Federal party, to commence again the Revolution. Genl. Urrea has been taken prisoner in Guadalupe some fifteen days since; some say he is to be brought to Mexico to be hanged, others that he has already arrived; others say, he is on his way to Vera Cruz, to be banished; nothing is certain as to his fate or where he is. He has no doubt been taken prisoner.

Note 19th.—A writer from Vera Cruz informs me that it is feared that Matamoras and Tampico stand good chance to fall into the hands of the Texians.

Note. 19th. The net proceeds of customs in Matamoras has amounted (it is said) to near \$300,000; solely from fifteen vessels.

Four hundred houses in the city of Chihuahua^a were destroyed solely by overflow.

Note 19th. A considerable stir is still making in order to unite the people against a foreign foe, setting aside party quarrels.

Look out! Mexican Spies in Texas!!

I find that a private correspondence is Kept up between Texas and Mexico.

General Caneliso of Matamoras received regular accounts of the movemnts of Texas.

^a Chihuahua.

WASHINGTON *April 30 1840.*

To the Hon

SECRETARY OF STATE OF TEXAS

Sir the foregoing [are] copies of letters received by me from a Confidential Agent employed by me in Mexico, which you will please regard as private.

Yours respectfully,

BARNARD E. BEE.

LIPSCOMB TO HAMILTON.*

REPUBLIC OF TEXAS, DEPT STATE

Austin 4th May 1840

To Genl JAMES HAMILTON

SIR,

In reviewing the communication of 24th Feby from this Department to you, I find I have inadvertently said, that, "You can further show the facility, that will thus be afforded to the Manufactures of France, making way into the United States etc etc." On reflection it occurs to me, that this would be placing you in an indelicate and improper position; that altho the obvious results of very low duties in Texas, would be such as I have stated, yet, it would be wrong for you to call the attention of the French Government to it, as an inducement to forming any special commercial regulation with us. The sagacity of her Ministers would require no such promptings. Our last advices from our agent in Mexico leave our affairs in the same unsettled and doubtful state. The Cabinet of Mexico still have the exposition of Mr. Treat under consideration, and at the request of the Secretary of State, Mr Cañedo, the project or basis of the proposed negotiation has been presented, and is still under consideration.

It appears to me that the inference to be deduced from this want of decision and delay, on the part of the Mexican Government, is, that the present disturbed state of the provinces, renders it uncertain, what line of policy should be adopted; that they are unwilling to treat with us, and if in their power would make an effort to recover Texas; but this cannot be done until their internal difficulties have been settled. But should these difficulties increase, they would from necessity treat with us, hence it is their policy to gain time by every variety of artifice; and our passive position has encouraged them to this course. How long we shall continue in our present pacific policy, is, of course uncertain, but that we are loosing some decided advantages by it, there can be no doubt. Should the Constitution of 1824 be restored, or should the Republic of Mexico be dismembered, and a new political organization take place, which seems at present most probable, *we* may have to contend with a more ener-

*See Records of Department of State (Texas), Book 54, pp. 22-23.

getic and efficient power under the new organization. Whereas, if we had offered them the least aid by co-operating against the defeated party, we could have our own terms of a treaty. The federalists have been for the moment put down on the Rio Grande, but they are not subdued, and are ready to rise again at the first favorable Con-juncture. In Yucatan and Valadolid, their success has been complete; and the Newspapers, altho under strict servilance, in the State of Mexico itself, came out openly in favor of the Constitution of 1824. I have no doubt the present rulers will attempt a compromise by a declaration in favor of the Constitution; every thing however is uncertain.

With great respect

I have the honor to be

Your Obedient Servt

ABNER S. LIPSCOMB

Secretary of State.

LIPSCOMB TO TREAT.^a

REPUBLIC OF TEXAS, DEPT STATE

Austin 7th May 1840.

TO JAMES TREAT Esqr

SIR, Your Communication of the 27th March was not received until two days ago. I hope that long ere now, you have received the Authority forwarded to you from this Department, and that something decisive has been done.

The President has directed me to instruct you, that if after the reception of your credentials, you can obtain no decisively favorable answer to our overtures for peace, that you will withdraw from your Agency. Should this be the result, you are instructed to make known to the Minister of Her Britanic Majesty in Mexico, that should this Government be constrained to change its position and commence offensive operations, it will not be with a view of extending our territory, beyond the *Rio Grande* and any occupation or military movements west of that River, will be temporary and solely with the view of forcing the enemy to make peace. I ardently hope however, you will be able to effect the object of our mission. Be the event what it may, you may be assured that the President highly appreciates your services, and is fully sensible of the zeal and ability with which you have discharged the very delicate trust confided to you.

Be pleased to accept the assurance of the great respect with which, I have the honor to be,

Your very obdt Servant

ABNER S. LIPSCOMB

Secretary of State.

^a See Records of Department of State (Texas), Book 54, p. 24.

TREAT TO LAMAR.*

[Confidential.]

MEXICO May 7th. 1840.

SIR.

I have the honor to hand you herewith Copy of my *last short despatch*, under date of 30th Ult. and have now the pleasure to apprise you of the result of the *then* pending deliberations of the *Mexican Cabinet*, which, *so far*, is all I could desire as a *preliminary Step*.

In my respects under date of 21st. Ult., I informed you [of] the course which the Secretary then proposed to pursue, and altho' there was some unexpected delay in getting the Subject before the Cabinet Yet *on Tuesday Evening*, 5th. inst, the Session was held, and the result *was* that the whole of the papers, documents, and correspondence, were ordered to be submitted to the "*Council of Government*" for their opinion; and *also* the Question: If the Council Concur with the Cabinet in their resolution to *ask Congress* for Special powers to negotiate an amicable arrangement with the Govmt. of Texas.

The papers would be sent to *Council* today, but there is no Session of *that body* until Tuesday next 12th. inst, and this delay is very *convenient*, as it give us a little *time* for reflection.

If the Council concur with the Governmt, or Cabinet, as regards opening *formally* the negotiation, they will *also* concur in Sending to Congress The *Iniciative* in question, asking for powers to negotiate. If Congress grant the powers asked for by Government, they will probably *not be discretionary*, but *limited*: Say, 1st. They *may* pass the resolution, giving the necessary authority, under *certain fixed bases*, or *Conditions*, and *thus* bind the hands of Government. or 2d. They *may* grant the necessary authority, *provided* all the *leading provisions* of the *arrangement* shall be submitted to Congress, for their *final* approbation, before Governmt. can *close* the negotiation. This last named *plan* suits me *best*, as it gives me a chance to *remove obstacles*, and pave the way.

The Govmt, with these powers in hand, will Soon Know *officially* *how far* I can go, and what I *must* have in return; in *fact*, they know already the *Cardinal points* of the proposals your Governmt. has been long since prepared to make. When the Government have obtained my *best Terms*, or *sine qua non conditions*, they will lay the propositions before Congress, and, should the *Government* and *Congress* be satisfied that they cannot do any better with me, we may come to an arrangement, within the tenor of your *instructions*. This, however, Seems almost *too much* even to *hope for*, under all

the circumstances of the Case, and I dare not express this Expectation; Yet I will *say*: that, if the matter *gets before Congress*, I shall *then* have reasonable hopes of *Some Success*. Nor do I think a *small difference* (after the business has gone *So far*) will *destroy* the negotiation.

This "Council" of which I speak is a constitutional branch of the Government, and a part of the *Executive*, as the *latter* and his *Cabinet cannot even initiate a law or introduce a project in Congress* without first obtaining the Concurrence of this said *Council*. Hence the necessity of taking this step *before* the Govmt. could appeal to Congress; and *hence*, also the same necessity for the authority of Congress, before they can proceed further with me.

This council is composed of *thirteen Members*, but Nine constitute a *quorum*, and is the Number who usually attend to the despatch of all business. J. D. *Alaman* is the President, and *Gorostioza*, one of the influential members.

The President will appoint a Committee to report on the Subject, when the discussion will take place, and the Secretary's of State, Cañedo, and of War, *Almonte*, will be present to Explain the views of the Cabinet, and their *own*.

I am willing to hazard the remark (in *this instance*) that the *chances, in my opinion*, are *Equal* that their action will be in favour of *our Views*. Thus I have endeavoured to give as clear an Idea as I could of the *present position* of my *affairs here*; and will *not conceal the fact* that I feel somewhat *more satisfied with appearances*.

Nevertheless, I would *not be sanguine*, even of the *issue in Council*, and *less* of the *final result*; as all *my experience* shews that here it is *extremely difficult* to *anticipate* events of this magnitude and character, and with *such elements* around me, with *any degree* of certainty.

I will *just add* that the *Secretary of State*, in relating to me the result of the *Cabinet Conference*, on yesterday morning *observed emphatically*: "*my dear Sir*, we have *now* travelled two thirds of our Journey." I deduct half, and call it one-third, of my distance; our *Success* in the Council, the *other third*; and the *authorization of Congress*, the *remaining third*.

With *this remark*, and the facts before you, I leave you, Sir, to draw your own inferences.

I have written General Hamilton *this day*, announcing in *substance* this *first Step* in my negotiation.

I send my letter to New York, under cover to your consul there, with directions, *if* the Gen. has embarked, to forward it immediately to London.

No arrivals from N. Orleans *yet*; *nor* have I received the *original* of the plenary powers, *duplicate* of which I have already Acknowledged.

I am very desirous to receive your *further* views and instructions, if any.

This goes *via* Tampico, to take its chance, as there is nothing in *Vera Cruz* bound to the *U. States*.

Pardon my haste, and accept the esteem and consideration of, Sir,
Your obedient Servant

JAMES TREAT

To

Gen.

M. B. LAMAR

Austin

Texas.

TREAT TO LAMAR.^a

[Confidential]

MEXICO *May 28th. 1840.*

SIR.

I have the honor to enclose you copy of my last respects of 7th. inst. to which I beg leave to refer you, in case it should reach you, before the original. I am now just able to get out from indisposition which has confined me to my room for upwards of a fortnight but am now convalescing, I hope permanently, tho' gradually. This confinement, at so important a moment, has been unfortunate, and the more so as I have found much more difficulty to Encounter in this *Council*, as I anticipated, and hence the delay of their decision to the present time.

Mr. Gorostiza, a friend of Gl. Santa Anna's, and opposed, in general politics, to the Gvmt., who, from the beginning, I anticipated would make some opposition, but did not think he would carry a majority with him, went formally against the project. A committee of three of said Council reported unanimously favourably to the Views of the Cabinet, but, to the surprize of the Secretary of State and the Minority, Gorostiza and his four friends, voted down the report, 5. to 4.

By a rule of Council, in such cases the subject is handed over to a new committee composed of the Majority, and Gorostiza was, in this instance, appointed chairman of the new Committee, and we might, of course, anticipate a Report from him counter to our views. I found it *indispensably* necessary to influence the Gentleman and induce him so to modify his report, as to Send the *whole matter* to Congress, altho' in doing this, he would so Shape it as to be consistent with his and his colleagues previous votes and speeches, on

the former occasion. I think that my Efforts, and those of some friends will prove Successful, as I am assured that whatever may be the *range* and *tenor* of the report, it will be Such as will Square with the Résolution that will be proposed, viz: To transmit the whole Subject, without expressing an opinion themselves, to the consideration of Congress. With this, and some other timely measures, I think I can expect the result promised.

Gorostiza and the Secretary of State are personally and politically unfriendly, and Mr. C[añed]o desired a triumph in Council over the Secretary, whose Views and wishes, however, differed but little, in Fact, from the arguments of Mr. Gorostiza and his party. The difference is That, if the question had been carried according to Mr. Canedo's first plan, the Subject would have gone to Congress with an Initiative of the Govmt. and Council; while, in the other case, it will be presented without an opinion from Either Cabinet or Council.

The matter will Soon come to an issue, and I shall consider it very fortunate for Us if we obtain a favourable result; in which case I shall, of Course, be detained for the final issue in Congress. But, Should I be disappointed in the Expected decision of the Council, or Should the Resolution of Congress be unfavourable to any negotiation with Texas, I shall receive, at once, my passports, and move, as rapidly as possible to N. Orleans, where I shall hope to receive your instructions, as regards proceeding forthwith to Texas for any verbal information you may desire to receive from me, as my report, for the present, may be found *essentially* in my correspondence, which has been full, and much in detail. Meanwhile, I shall continue to advise you of my further progress, and the final result, by every oppty. which are now very unfrequent.

I should not conceal the very great apprehension I feel with regard to the *permanence* of the present Cabinet. I should not have been Surprised *any day* within the last fortnight at their Resignation. or, what would be quite as bad for me, that the Secretary of State should resign at any moment, altho' he has often himself assured me that he did not contemplate Such a Step. Events, however, may compel or induce him to this, which I should regret *Exceedingly*, I assure You. The Govmt. are surrounded with difficulties, as I have already apprized you in former despatches, and they are accumulating every day.

Waiving the matter of Texas, which, no doubt, gives them Some uneasiness, pending the Question of Peace or War, (or, if you please, a paper War, on their part) The [rebellion in the] State of Yucatan, Campeche having already or will soon be compelled to capitulate, for want of succour from the Govmt.* This disaffection already spread

* The port was at the time besieged by the Federalists and soon afterwards capitulated.

into the neighboring State of Tobasco, and may be followed by the Department of Chiapas, [—all this] embarrasses the Gvmt. very much. Other Small parties, in different parts of the Country, continues in arms, with more or less success, and the federalists and opposition press, are crying aloud for a change of Ministry, The promised Reforms in the Central Constitution and against the project of Gvmt. now before Congress restricting the liberty of the Press; and among other things, the opposition have made a violent attack on Mr. Pakenham, charging him with co-operating with, and even directing the measures of Gvmt., with having Sent a vessel of War to Yucatan with despatches and money for the Govmt. and generally interfering with the domestic concerns of the country, in favour of the present order of things, and in opposition to the Views of the opposition here, who wishes to destroy Centralism and reform the Constitution of 1824.

But this is not all: there is a complete State of Anarchy or confusion, or at least, Entire want of Harmony between the various departments of Gvmt., the *Executive*, *Executive-Council*, *Supreme Court*, and *Conservative-Power*.^a Hardly any two of these agree on measures of moment, and a very angry and Serious altercation has recently occurred between the first named and the latter power, which has now, As they both persist in their pretensions, almost Entirely absorbed public attention. The Govmt. has found it necessary to fortify itself on the Question, and counts for the issue upon the Deputies, and probably the Senate and its Council; and the Conservative-Power, composed of five individuals, who are irresponsible, Except to their own consciences and their Maker, will have the Supreme Court to sustain them in their struggle. Hence arises the fact that a Law of Congress is carried into Effect by Gvmt., and is in operation for two Months; the ConservativePower then declare it *Null* and *Void*, and the Govmt. refuses to obey this decree, on the ground that it was not Enacted according to the provisions of the Constitution. Both insist, and Govmt. sends the Question to Congress for decision. Meantime Congress are deciding this Matter,^b not yet taken up, Gvmt directs its military commandants in the Departments to obey the Law of Congress, and exercise military Jurisdiction in Some cases, and the Supreme Court directs the Judges of the same Departments to claim and hold civil Jurisdiction in the Same cases, under a pre-Existing Law, inasmuch as the Conservative-Power had declared *Null* and *Void* the law under which the Gvmt. claim military Jurisdiction.

^a This was a body whose organization was provided for by the then existing constitution of Mexico, the "*Siete Leyes*" (Seven Laws), promulgated December 30, 1836. See Dublán y Lozano, *Legislacion Mexicana*, III, 233-235.

^b That is, pending the decision of this matter, etc.

This dark picture, Sir, will give you Some Idea of the sad and disjointed state of things here, and I would fain suppress it, did I not consider it an infraction of my duty so to do. It is my duty to report on both Sides of the question, whether favourable to my objects or the reverse. And now, Sir, were I to ask you, after the perusal of this letter, and all my preceding dispatches, whether in your opinion it was possible, under Existing circumstances, for me to succeed in my Mission? What would be your reply? "Impossible, or highly improbable." You will draw your own inferences from this statement of Facts, and the above interrogatory and its answer. I still hope because *truth is mighty*, but I fear lest the thousand counter influences Resignation of the Ministry and demoralization of Men may prevail.

I also fear the Secret influence of *St Anna against me*, thro' the medium of his friends *here*.

I am, Sir, with great respect,

Your most obt and Hble Servant

JAMES TREAT

To

To Gen. M. B. LAMAR

Austin

Texas.

TREAT TO RITCHIE.^a

MEXICO, *June 3d 1840.*

MY DEAR SIR.

I beg leave to hand you the Enclosed, which is important, and beg you to forward it promptly and safely. You may, if *you write* Col. Love, say for me "that I am *thus far* making *fair progress*; but *please not* repeat the same to *any one else*, and [repeat it] to the Col [only] as *confidential*. Say to him also that I am sick and cannot write him, as should like to-day. I have nothing from you to acknowledge, but expect to have in a few days, as the *Wetter* arrived from your port at Tampico, on the 26th Uto; and by her I presume I have letters, and that you have Sent forward *all you had for me*. If, you have *retained any*, or *received more*, you may forward them up to the 1st of *July*, either to *Vera Cruz* under cover to *M. Burrough^b*, or to *Tampico*, first cover to *me*, Then envelloppd. to R. Pakenham Esquire, British Minister, Mexico. Then to Mr. *Crawford*, Engl Consul, Tampico, and pardon the trouble.

^a This is a private letter, and it is given only to show how Treat's correspondence was transmitted.

^b United States consul at that place.

Excuse my scrawls, for I am weak, and convalescing from illness. I hope this will find you well. I will I hope see you in July. Very truly with

Many obligations

I am your friend and Servant

JAMES TREAT

To Dr JAMES RITCHIE

New Orleans

Please put the letter for Gen. L. under blank Enveloppe.

TREAT TO LAMAR.^a

[Confidential.]

MEXICO *June 3d. 1840.*

Evening.

SIR.

I have the honor to refer you to my last communication of 28th. Ultio, and regret that I cannot *now* enclose you a Copy, as I have but a moment's time to avail of *this night's post* for Tampico, whence I hope this will find a prompt conveyance to N. Orleans, and thence to your hands.

By my last (if it precedes this) you will perceive that their *Council* have occupied much more time in their deliberations on the Grand *question* than I had anticipated in my respects of 7th. Ultio; and that numerous caurses of delay, and an opposition *not foreseen*, had placed in jeopardy the *final result* in that body, *where* a rejection of the *whole matter* would have been to *close the door* against any *further* action, on *my part*.

I had been confined to my bed, for upwards of a fortnight, and have now been out and convalescing *only* a few days, *which* was the more unfortunate, as this matter was *by no means* to be left to *its fate*, nor to the *care* of *others*, but required *much* vigilance and attention.

Today, the "Council" have another meeting, and I think will decide the matter; and I *hope* it will be in *our favour*, and that I shall be *consigned over* to *Congress* for the fate of my mission, which is the *only* (and of *course, the best*) result that could occur, *unless* they *rejected* the whole question.

This hasty letter is therefore written, *while* I am *awaiting* the *result*, to add the same in a *postscript*.

The schooner *Wetter* arrived at Tampico on the 26th. Ultio from N. Orleans, and I trust has despatches from the *Department* for me, which I shall await for with impatience, until the *8th. inst.*, on which day the post will arrive with her correspondence, and I trust I shall *not be* disappointed.

Opportunities for posts in the Gulf are so *unfrequent*, I shall be compelld. to send my letters *via*. Havana.

It is now raining Very hard, but I will *await* the *last moment* of *Post*. to hear of the *doings* of "Council."

Pardon my letter my dear Sir, for I am yet Very weak, and, of course, without any assistance.

I have the honor to be, with great respect,

Yours most obt and Hble Servant

JAMES TREAT

To

Gen M B LAMAR

Austin

Texas

Postscript. 8 P. M. I have this moment been placed in possession, through Mr Pakenham, of the *original* despatch of Your *acting* Secretary of State of 12th March with *my powers*, Your *Proclamation*^a and *letter* from^b Mr. Pakenham, *also* the letter from Mr Lipscomb, Secy of State, of 1st. April, covering authority to draw on the commissioners of Loans for Two Thousand dollars, all which shall have my attention, and be duly acknowledged. *This must now suffice.*

9 P M. My messenger has just returnd. and altho' the *Council* took up my question, yet nothing was decided, and the subject was suspended to consider other matters of more immediate importance. There was a *strong opposition* to the *particular course* which the *Cabinet* wished to adopt, but Still I hope it will end in at least transmitting the *whole matter* to Congress, to resolve on *peace* or *War*, in some shape or other. The *next*, and I think, *final* session on this subject will be the 5th. inst, the Result of which I will give you *instantly*. Pardon Haste; Respty.

J TREAT

TREAT TO LAMAR.^c

[Most private.]

MEXICO *June 6th. 1840.*

SIR,

I beg leave to refer you to my last *Very hasty letter* of the 3d. inst. which left *in doubt* the issue, so long pending, of the *Texas question* in the *Council* of the *Executive*.

I have now the satisfaction to apprise you that a decision was reached in that body last night after a *long*, and in some respects, a *warm* discussion of *five hours* and a Half.

^a Of December 21, 1839, forbidding invasions of Mexico till the renewal of active hostilities. See *Austin City Gazette*.

^b This should be "for," or "to." Cf. Treat to Lipscomb, June 19, 1840. The letter was written by Burnet.

^c A. L. S.

By a sort of compromise of opinions, it was agreed unanimously (at last) to Submit the *Whole Texas question* to Congress, to resolve the *first* and *main question*; viz— *Peace* or *War*. If *they* decide in favour of *War*, or what is the same thing, measures to recover that Territory, of *course* my mission is at *an end*.

If they resolve on *peace*, or what is perhaps equivalent, and may lead to it, *negotiation*, then they will of course, authorize the Govm't, to open negotiations with me, or receive my propositions, in *some* form, *perhaps*, under Some restrictions, or may *be*, at the discretion of Govmt. This *naked* or *general* question will *first* be proposed and decided, without submitting any *bases* or Conditions. If *Peace* or a *hearing* of your *Agent* be resolved upon, then the Govmt. will enter into the details that may be necessary and proceed to receive my propositions.

It will probably require a week, to lay the Matter before the *Deputies*, and how long for *action*, on the *main question*, I cannot say. All I can now add is that *this* result, I consider *prima facie* evidence of a disposition towards an amicable arrangement of some Sort on the part of Govmt. and Council.

They were in my opinion in favour of *peace*, but they did not like to assume the responsibility of *any* action *other* than what I have stated, but threw the responsibility on the *Sovereignty* of the *people*.

I must *now enlighten* these *Representatives* all I can, and leave the rest to the *united wisdom* of *both* Houses of Congress.

I am still Very weak and pressed for time, therefore, I pray you, Sir, pardon my hurried despatch, which I cannot Copy.

I Remain,

Verry Respectfully, and with great consideration,
Your Most obt Servant

JAMES TREAT

LIPSCOMB TO TREAT.^a

REPUBLIC OF TEXAS.

Galveston City, 13th June 1840

To

JAS TREAT Esqr

SIR,

The President has been spending some days at this place for the benefit of his health which has suffered very much from his close confinement to business at the seat of Government.

I have the honor to acknowledge the receipt of your several esteemed favors of the 10th and 29th of April,^b enclosing copies of

^a See Records of Department of State (Texas), Book 54, pp. 25–30. The instructions given in this letter to Treat follow directions given by Lamar to Lipscomb in a letter of June 11, which is filed with the correspondence.

^b For the letter of the 29th, see Correspondence with Great Britain.

certain documents addressed to Mr Pakenham, and also a communication from him to you in relation to the claim of certain of Her Majesty's subjects for a part of the cargo of the *Little Penn*, and for the Capture and detention of the *Eliza Russell*. By this conveyance I have written to Mr Pakenham,^a but I fear not as satisfactorily as I could have wished in consequence of my being absent from the seat of Government.

I beg you to give Mr Pakenham an assurance that the subjects embraced in your despatch shall receive my earliest attention on my return to the Seat of Government.

In your last on the subject of your Agency, you say that you are not in possession of the views of this Government as to what you should do in the event of the Mexican Government expressing a willingness to agree to a Truce, and not to a treaty of peace. I am sorry that there has been some mistake in the Department on this subject, as I had distinctly understood from my predecessor that you had been apprized, that a truce would suit the views of this Government as well as a treaty of peace: and perhaps on some accounts it ought to be preferred. A truce for one, two or three years, with a stipulation of six months notice of a recommencement of hostilities would enable us at the termination of that period to dictate almost any terms to our enemy, from the great augmentation of strength we should undoubtedly receive. If we make a treaty of peace now, we of course must submit to some sacrifices, as your instructions show. You are however Authorized to conclude a treaty of peace, or a truce for the greatest length of time it can be obtained.

Comodore Moore, with three or four of our Vessels of War, goes down into the Gulf and this will be sent into Vera Cruz, by some friendly flag he may fall in with. His instructions are to act on the defensive entirely; to make no captures unless you should advise him of the failure of your Mission. He will be able to make a calculation as to the time when this despatch will reach Vera Cruz, and one of his vessels will stand off and on from Point Mariandria, thirty five or forty miles North and West of Vera Cruz, for thirteen days after the despatches have been delivered at Vera Cruz; and should you have any communications to make to the Comodore through such channel, you will advise the Vessel bearing it to hoist a white flag afore on coming in sight of any vessel off the point designated, which will be answered.

Some time ago, the date not recollected, as my letter book is at the seat of Government, I wrote to you, that it was the wish of the President, that after the reception of your Credentials, you would bring the negotiation to a close in some way, that we could no longer

^a Under date of June 6. See Correspondence with Great Britain.

submit to the state of things, then existing on our frontier. The Government of Mexico then and now, neglected no opportunity to annoy us, by all the means it possessed. True, we were not invaded so far as to make an attack by the regular Army of the Government on our inhabitants, but small predatory bands were continually sent to excite the Indians to attack us; and the Indian Chiefs were received at Matamoras, and sent out for the same purpose, whilst we made no movements at all hostile to the Mexican Govt., We even forbid and used the best influence of the Government to prevent Volunteers from Texas joining the Federal party; and that our efforts were in a great measure successful, is evinced by the very small number of Texians who crossed the Rio Grande, when the federalists were defeated; they were informed that personal protection was all that could be extended to the fugitives, that we could not recognize them as belonging to any Government, nor would any flag but our own be permitted within our territory; we have given them no more countenance, nor protection than would have been afforded to fugitives under such Circumstances by a government on the most friendly footing with Mexico. All of this time whilst we were exhibiting such proofs of our moderation, the Mexican Govt has neglected no opportunity, to excite Indian hostilities against us. The exercise of so much forbearance on the part of the President, it was hoped would have been met by a reciprocity of feeling by the Mexican Govt; but in this we have been sadly disappointed; and at this time we have the most conclusive evidence of emissaries having been sent from Matamoras to the Indian tribes on our frontiers,^a and to many of those within the limits of the United States, to excite them by the hope of general plunder to attack us; whilst General Arista is unremitting in fulminating his threats of invasion and universal extermination of our people. These threats it is true we disregard, and know well how very important they are; and at the same time we know perfectly, it is in our power to drive back the boaster, and carry the war into his own Country; for in truth nothing would have been easier than to have sustained the Federalists, and enabled them to have bid defiance to the Central Government. Our Navy for the last twelve months strong enough to have cut off every article of Mexican Commerce and blockaded her ports, has kept idle and inactive; we had made a declaration that we would pursue this course of moderation, and evince to the world that we indulged no ambitious designs of conquest. To this policy we have steadfastly adhered. Our forbearance is nearly exhausted, the patience of the people will not much longer submit to a procrastination, from which they can perceive no adequate advantage, and the administration will be forced to return War for War. I am directed by the Presi-

^a Cf. Burnet to Dunlap, May 30, 1839, Part I, pp. 396-401.

dent to say, that if from a view of the whole circumstances, you should be of the opinion, that either a truce, or a peace, can be obtained by a further forbearance on our part, you will communicate fully your views on the subject. He wishes further to be informed what effect the appearance of our squadron will have on the negotiation in which you have been engaged; will it be likely to produce additional difficulties or to facilitate a favorable issue? What are the prospects of effecting a permanent pacification, flattering or otherwise? if not can a truce be obtained to continue for one, two or three years? If you think the prospect good; how long is it probable it would be before it could be brought about? If you should feel much confidence that a little further forbearance on our part would insure a peace or a truce, we will act on your suggestion. It would perhaps, be well for you to urge upon Mexico the moderation of this Government in not co-operating (thus far) with the Federalists on the Rio Grande as she has been strongly urged to do, and might have done with great benefit to herself and detriment to Mexico, that it is a forbearance we cannot practice much longer, lest we loose all the advantages which such a co-operation would give us, without gaining any thing from the Central Government of Mexico. The Federalists are still sanguine of Success, and unremitting in their overtures to us, to make a Common Cause in making war on the Centralists, and in return, would grant every thing we could reasonably ask of them. Should you believe as before expressed, that a little longer delay and forbearance on our part will be productive of success, it is the wish of the President that you should continue your efforts, and advise this Government fully as to the prospects of success. Should you fail and believe, that no further advantage can result from your longer protracting the negotiation, the President requests that you will inform Commodore Moore of such failure, and of the termination of your Agency.

I would suggest that it will perhaps be well to confer freely with Mr. Pakenham on the prospect of bringing your agency to successful issue, and read to him such parts of this letter, as you may think it not improper he should hear. I send this under an envelope to him.

Commodore Moore is instructed not to approach near enough to create any alarm. He is also instructed to obtain the best information in his power as to the condition of Yucatan, and the views of its Chiefs, whether friendly or otherwise to us.

I am with great respect

Your obdt Servant

ABNER S. LIPSCOMB

Secty of State.

TO JAS TREAT Esqr.

Mexico.

LAMAR TO CITIZENS OF SANTA FE.^aTREAT TO LAMAR.^b

[Confidential.]

MEXICO June 14th. 1840.

SIR

I have the honor to wait on you herewith, with Copies of my last three very hasty despatches, dated of 28th. May, 3d. and 6th. inst., to which, if needful, I beg reference; duplicate of my preceding communication of 7th. ulto. being already on its way.

You will perceive by my advices above referred to how matters stood up to the 6th. inst. since when, three or four Consecutive holidays and their necessary consequences have prevented any further progress, unless it be that the papers to be referred to Congress, in relation to Texas, have been preparing, and if not sent in *yesterday*, which I doubt, may be *today*, or *tomorrow*, when I shall watch their progress with great anxiety, and an interest, which I will not attempt to describe.

Meanwhile, and since the action of Congress, the Matter has gained publicity, as you will perceive by the Slips I enclose you from the opposition papers. The *Cosmopolitic* is the most respectable and called the organ of the federal party. The *Equilibrium* is a more Violent paper, and *also against the Government*. Neither of them is very scrupulous, as regards the *truth* of their statements, as they write to abuse the Gvmt. and make converts to their party. You will therefore credit neither, where their statements *conflict* with my *Despatches*. I send them, as they shew what I have before Stated, that the opposition will oppose the question of Acknowledgement, independently of its merits, and merely to Embarrass *more and more* the Government.

Campeche has finally Surrendered to the Revolutionary party, and Some movements have taken place in the adjoining Department of Tabasco, where it is doubtful if the Central forces are sufficient to with Stand the Example and Efforts of Yucatan, *now* entirely free.

At present the Gvmt. are doing nothing towards preparing an Expedition against the *revolted Department*, and it is doubtful if they will, as it would require Some Vessels of war and three thousand men, at least, to Subjugate that Peninsula. They have not means for this, and have too many Cares nearer home.

The Question between the Gvmt. and Conservative Power remains open, Congress not having acted on the question, and Should they decide favourable to the Gvmt., *as is probable*, the Conservative

^a June 14, 1840. See calendar.^b L. S.

Power would, *as is believed*, declare *Null* and *Void* said law, and these powers would remain in the Same hostile attitude as before.

The fact is they are surrounded with difficulties, and if the present Ministry maintain themselves in power, and can Sustain the present order of things, it must be by *going ahead*, with a *strong hand*, regardless of the clamours of the people, or the denunciations of the press. They must cut the *gordian knot*, and carry through their plans and measures, if need be, at the point of the bayonet. This Conservative power Stands in their way, as it *now* has the power of annulling all Laws, by a plausible argument (very Easy among these people) of *Unconstitutionality*.

As regards the opposition press, the Gvmt. will soon have it in their power to check it, under the Law restricting the liberty of the press, which has, or will *unquestionably*, pass the chamber of Deputies, and, *doubtless*, the Senate also. Should the Conservative power declare it *Null*, the *Executive* will *probably* disobey the Mandate, and execute the Law.

Then there will soon come up the proposed *Reforms* in the *Constitution*, now in Committee of Deputies, who will propose to abolish this Conservative Power, or restrict its powers, and it will be followed by a declaration of Nullity, so that there Seems to be no *pacific* termination of the Matter, *even prospectively*. A compromise was attempted, but it is *now* entirely given up.

Almontes iniciative of December last, asking for Means to restore Texas to the *National Union*, has just become a Law, having been under consideration *Six Months*, been *rejected Several times*, and undergone So many *modifications* that it amounts to *Nothing*, so far as *Texas* is concernd.

The Law establishes a Contribution in the Departments, the proceeds of which the Gvmt. are authorized to appropriate to several distinct objects, and the *balance towards* the *Restoration* of *Texas*.

The project Submitted to Congress declaring all Persons *traitors* who espoused the cause of Texas is sleeping quietly with the Committee, who will probably never report thereon.

Congress has recently authorized Gvmt. to take up a Loan of *One Million* and they are now endeavouring to raise Some money under it. They offer 1% per mo., but this premium is merely nominal: it will cost them 2 or 3% per mo., in the way they usually manage such Negotiations here.

This state of things, however deplorable in *itself*, is in many respects favourable to *our object*, for the Stronger the Gvmt. and the more bold and vigorous (*despotic* if You please) its Measures, so much the better for our question; *provided always*, they can Sustain themselves, and their plans; hold the Congress and Council in Subserviency, and keep the Army and the Hosts of Officers under pay, on their

Side. My apprehensions are that the Ministry will Either *fail in nerve* to go through with their Measures, or that, before they get through with their difficulties, they will *Strain the cords so tight* as to produce an *Explosion*, and this will lead to a *Dictator*, at least *pro tem*, who will be *Bustamante* in one case, or *perchance, Santa Anna*, in the other, according as the balance of military power and influence may prevail.

P. S. Friday June 19th. I have delayed my despatches *one post*, which will *still* be in time for the Steamer *Argyle*, Should she, on her arrival *from N. Orleans*, determine to return thither, as I *hope*; if *not*, this must go *via Havana*. I have nothing specially new to add to my remarks of 14th. inst. *Public affairs* Continue to look *Very dubious*. There has been delay in the presentation of the question in relation to Texas to Congress. The Govmt. have been exceedingly occupied with their Complicated and increasing difficulties, and particularly the *Secretary of State*, who, is on the point of despatching the Commissioners, under the Convention with the U. States.^a

They will leave to-morrow, and *if today* my papers do not go in, I have no doubt *they will* next week, *Unless* delayed by the *threatening aspect of affairs*. Congress is too busy to take them up just now, even if they had them, for half their time is passed in *Secret Session*, moved by themselves, or called for by the Government. Yesterday, the *whole Cabinet, four Ministers*, went to the Chambers, and asked for an immediate *Session with closed doors*. *Object not yet promulgated*. Rumours of resignation of the Ministry, have been *very general*, for Several days, and every body talks of a "Coup d' Estat" from *some* quarter. What the issue will be, it would be more than *useless to Conjecture*.^b

Under these circumstances, it will not be considered a matter of *any surprise*, that I make no immediate progress in the Chambers, or *that* the Government should desire a moment of *greater calm* than the present, to present this matter before Congress.

So I must await events, which I hope may favour us, and *you, Sir*, must exercise *all your* patience, for the final result.

I am, Sir, with the highest respect
and consideration,

Your most obedient Servant.

JAMES TREAT.

To

Gen. M B. LAMAR

Austin

Texas

^a The convention of April 11, 1839. See *Treaties and Conventions of the United States*, etc., ed. 1889, pp. 676-679.

^b From this point the letter is in Treat's handwriting.

P. P. S.

Saturday June 20th.

In closing for the post of *this* evening, I have nothing to add, unless it be *that* You must not be surprized, if in my next I apprise you of a New Ministry, which, I shall *much regret*, And *which* will Suspend my *action*, or compel me to begin *De Novo*; either of them, would be a *most sad disappointment*.

But *I hope* and *wait*, with the most anxious expectation, the development of this most *singular state of things*.

Most Respectfully

Your most obt Servant.

JAMES TREAT.

TREAT TO LIPSCOMB.^a

MEXICO June 19th. 1840.

SIR,

I have the honor to acknowledge the reception, on the 3d. instant, of your valued communication of 1st. April, enclosing me authority to draw on the Loan Commissioners in London for a sum equivalent to *Two Thousand Dollars*; and, by the same conveyance, I received the *Duplicate thereof*, the former, through the kindness of R. Pakenham Esquire, and the latter, from Mr. M. Burrough, of Vera Cruz: All of which have been duly noted.

I also received, at the same time, the *original* of a despatch, from the Hon. David G. Burnet, *then* acting Secretary of State, dated 12th. March, enclosing my plenary powers, a letter for R. Pakenham Esquire, and a proclamation by H. E. the President of the Republic; the *duplicate* of which, with the above named papers, with the *exception* of the *proclamation*^b I had already received on the 15th. of April, and recommenced acting under said power, having immediately delivered the Communication to Mr. Pakenham, who was pleased with its Contents, and has since replied to the same.

The Proclamation of the President, I handed forthwith to the Secretary of State, *Senor* Don Juan de Dios Cañedo, who placed it on file with my previous Communications, where it will serve to Shew the sincerity and consistency of Texas, in its present negotiations with Mexico.

Altho' this communication from your Department has already been acknowledged to H. E. the President, and Perhaps Sufficiently replied to, it may not be improper for me to offer a few brief remarks, in reference to its Contents.

I have taken due Note of all that relates, to the objects of my mission, and shall continue to confine my negotiations to the *essential*

^aA. L. S.

^b See note ^a, p. 641.

points of Recognition, (which necessarily involves Peace) Boundaries fixed and defined, if *attainable*, and *Stipulations* of *indemnity*, together with such further Conditions as necessarily *grow out* of the above provisions, leaving all *minor points* that can be omitted in this *preliminary* Treaty to be entered upon and adjusted hereafter, as may be agreed upon.

As regards any Stipulation to pay a *part* or the *whole* of the indemnity in *Mexican Bonds*, I understand that the Government of Texas is indifferent as it contemplates no direct advantage, if this course Should be adopted. It was originally Suggested merely to meet the anticipated wishes of *this* Government, and to facilitate my negotiation, and *not* because any benefit would accrue to Texas; but further reflection induces me to believe that, if the Mexican Government *prefer* this course, and it Should be thought favourable to the adjustment of the question of indemnity, *I should assent to it*, (but in strict accordance with my instructions) inasmuch as it *might be* of some advantage to the Commissioners in London, in facilitating the Loan of indemnity.

Nothing, however, has passed between the Secretary of State and myself on this point, as we have not yet reached any *official* details, as regards the propositions of Texas to Mexico, the only paper which I have submitted embracing proposals having been transmitted to the President, and, as you will have seen, [it] is *very general*.

If the period should *fortunately* arrive when this question comes up, I shall endeavour to make it *Subserve the interests* of *Texas*, or if not, omit it *entirely*.

As regards the painful paragraph of Judge Burnet's letter, relating to the Sad fate of Lt. Col. Johnson and his companions, I took early opportunity to read the Statement to the Secretary of State, and, I *think*, with due effect.

In answer to *your* communication, I have to thank the President and yourself, for attending to my request, in relation to funds, but regret they will not be available *here*, as it will be impracticable to negotiate my drafts; perhaps, however, on reaching New Orleans, I can effect my object *there*, and thus replace any sum I may take up here on my *own credit*.

The approbation of the President of my official course here is highly gratifying, and whatever may be the result of my Mission, my humble, tho' unceasing efforts shall not be suspended nor diminished for a single moment, *until* I reach *some issue*.

I beg leave respectfully to refer the Department I have the honor to address, to my despatches *herewith* addressed to Gen Lamar, to whom I have heretofore transmitted all communications, having reference to my Mission. As I have received no intimation to adopt

a different course, I shall continue to do so, altho' I am aware it may be considered *Somewhat irregular*.

I forward this to Vera Cruz, hoping the Steamer Argyle, which left there on the 6th inst for N. Orleans, will have returned by the 25th. and [will] depart again for the Same destination. If *not*, they must go *via Havana*, as opportunities *direct* for any American Port in the Gulf are *very unfrequent*.

Please present my best respects to Judge Burnet and Mr. Starr, both whom, with yourself, I hope are enjoying good health.

I have the honor to be, Sir, with great respect and consideration,

Your Very Humble Servant,

JAMES TREAT.

To

The Hon.

ABNER S. LIPSCOMB

Secretary of State
Texas.

ALMONTE TO BROWN.^a

TREAT TO CAÑEDO.^b

LAMAR TO MOORE.

[Copy.]

GALVESTON 20th. June 1840.

Commodore E. W. MOORE

Texas Navy.

SIR:

You will, with all convenient despatch, proceed with all of the vessels under your command, which are manned and equipped for service, to some safe anchorage not far from Vera Cruz:—You will avail yourself of the first safe opportunity of sending in the dispatches committed to your care, for Richard Pakenham Esqr. Her Britannic Majesty's Minister at Mexico to the care of the British Consul at Vera-Cruz:—You will cause one of the vessels under your command, to stand off and on Point Maria-Andrea, for thirteen days after the dispatch has been delivered at Vera-Cruz, for the purpose of receiving such communications as may be sent out to you from Mr. Treat the Agent of this Govt. in Mexico. Should these despatches be for this Government, you will forward them immediately by one of the best sailing vessels under your command. Should you receive a

^a June 20, 1840 (translation). See Wright to Bee, July 1, 1840.

^b June 20, 1840. See Treat to Lamar, July 4, 1840.

despatch from Mr. Treat informing you that he had failed in his negotiations, you will in that event be authorized to cruise against the Mexican vessels, and make prizes of them, taking care to avoid all collision with neutral powers; always respecting the principle, that a Neutral Flag protects the cargo.

You will be particular to avoid all offensive means, and not shew yourself before Vera-Cruz or any other Mexican Port, until after you have heard from Mr. Treat. Should you not hear from Mexico, after waiting the term before mentioned, you will wait at some safe and convenient place, and send to this Government, for further instructions. You will not commence hostilities unless you should be informed by Mr. Treat, of the failure of his negotiations. If you should be attacked, you will of course be at liberty to defend yourself and the honor of your Flag, by destroying, or capturing the enemy's vessel, whether public or merchantman. It is the object of this Government to avoid all hostilities with the Mexican Govt until Mr. Treat can be heard from, and until you receive orders from this Government, unless you should be informed by Mr. Treat that his negotiation had failed, and you are expected to use every precaution to avoid defeating the views of this Government.

You will endeavour to ascertain the condition of the State of Yucatan, and the disposition of those functionaries administering their Government, whether friendly or otherwise to us, any manifestations of friendship from them you will reciprocate.

In the event of hostilities, such captures as you may make, you will send into Galveston, or Matagorda for adjudication as early as convenient.

(Signed)

MIRABEAU B LAMAR

WRIGHT-BEE CORRESPONDENCE.^a

WRIGHT TO BEE.

MEXICO, *June 25. 1840.*

DEAR SIR,

Your favor of May 21st. dated in Washington, signed by Mr. N. Amory came safe to hand, and I am happy to find that you have not entirely forgotten me: though it is the first line I have received from any one concerned in the Republic of Texas since my arrival here.

^a June 25-July 2, 1840. These letters are copied on a set of sheets which are fastened together, and the copied matter runs continuously so as to form a single manuscript. Neither letter is signed nor is either addressed to any one by name. The manuscript, however, in its general make up, in the handwriting of the copyist, in the size of the sheets, and in the manner of binding them together resembles closely that containing a similar series transmitted by Bee on April 30, and described as from his secret agent in Mexico, who was A. S. Wright. This fact, together with the matter of the letters themselves, seems to make it reasonably certain that the communications were from Wright. As to their being written to Bee there is no question.

Mr. Bryan has never written me, or if he has, I have never received his favors; and if he has never written I am at a loss to account for the cause.

I am informed by your favor above mentioned, that you have received several of my letters, and that you had been pleased to note their contents with interest. This is at least some encouragement to me, however unimportant my feeble efforts may have been: my business and particular care has ever been not to deviate from the truth, nor suffer myself to become excited from mere report unless I was otherwise convinced by further demonstrative proof. Nothing can be gathered in this Country in the Streets. No one has the same story as his neighbour, neither do the people in general have a Knowledge of what is to take place, or, in another word what the private councils of Government are doing, or what are their views; perhaps there never was a more contrary body of men at the head of a Republic, than those now composing the two houses of Mexico.

I have been nearly a year in this Country, and I can assure you, Dear Sir, that during said time I have not been idle, in obtaining every essential information possible, and have forwarded the same from time to time as opportunity offered: but, am sorry to say, that I am still a Novice, and have yet much to learn in order to Keep pace with the affairs of Mexico, so as to be able to obtain anything correct. You therefore must excuse my error, wherein I may be deceived and give incorrect information. The affairs of this country are ever changing, and there is no Knowing what a single day may bring forth; for example, when the troops of Arista some months since left here for Rio Grande, no one was aware of the Move, except the few, until the troops were beheld marching out of the City. I wrote you accordingly of said expedition, and of the daily augmentation of the Army, and that the Government had a double view in said expedition. 1st. That of quelling the Federals, and if strong enough march into Texas. A part of Said Army still remains in the Rio Grande Country, but the want of money and the loss of Yucatan has put a stop to the expedition for the present, but Government's intention is still bent on the destruction of that people (the Texans). It is however hardly probable that they will be able under present difficulties to raise an army sufficient for even a trial during the present year, and very possibly never. But we must not however be too certain so as to lay aside the means of defence, in case they should succeed in their intentions; so let not the army be diminished but rather augmented, for reasons which you will hereafter learn, previous to the conclusion of this letter.

In reference to the political state of affairs in Mexico, it stands much in the same way, as when I last wrote, with the exception of a

few changes for the worse; and if I am not much mistaken bears great affinity to that in which it stood in the time in which Iturbide was raised to the Imperial throne, with this exception, that at that time a General was raised to the rank of an Emperor, and now Bustamente would only be a Dictator: this Country twenty years ago was if I am not misinformed in a state of revolution much in like manner as we find it at present.

I have beheld with sorrow for the last six months the great efforts made by the President and his Privy Council to raise themselves to greater power; each Step they take shews this fact in more and more glowing colours, which is now evident. The whole and sole aim of Governmt. at present is to trample on the Constitution, break down the barriers placed in opposition by the Conservative Power, check the progress of the freedom of the press, blast the fluttering dying flame of republican spirit that exists and sink the country beneath a despotic law.

To be able to compete with their enemies, the Centrals find that this is necessary; nothing short of this will answer their views; without this measure their hopes of continuance is diminished and their future glory ruined; without this, they are persuaded with the opposition of many of the Ministry, They never will be able to call to their aid neither Men nor Money sufficient to subdue their enemies.

Poor Mexico, the fairest flower of the Northern World is however to be ruined. Nothing it seems to me can save her. Filled with every national good, her mountains composed of enormous Mineral wealth, her Avenues strewn with gold, her vales with the most delicious fruits and grains, must all be lost, sink, perish, for want of a parental republican intelligent guide. Her mineral wealth it is true will still exist: but to us, to all of the present generation, lost.

I am persuaded, Dear Sir, that Mexico peopled by an industrious intelligent community, acquainted with the arts, and under good and wholesome laws might be made to produce millions instead of the now lingering dragging diminished thousands; for who can tell the wealth of the minerals of this more than Mineral World.

Were I permitted to let my poor and ignorant mind, take its flight and dive into futurity, I would have presented to my fond imagination Mexico flourishing in all that pride which Nature has rendered her capable of enjoying. But to what future period do you refer? might be asked. How many generations must pass first? Who shall be the happy people that shall live to see Mexico raised to so flourishing a state? This, kind Sir, is bound to be brought about in time, however unfavourable it may appear at present, and fifty years will not have passed when this shall have taken place; I do not wish to be laughed at, when I thus take the liberty to speak of what I think to be the future prospect of Mexico and the pride of Texas!

Yes Sir, Texas is bound to take possession of this Country, there is nothing to prevent her, and she will be the happy Nation that shall restore Mexico to more than her former wealth and prosperity. Mexico will no doubt from what is now going on, impede the prosperity of Texas by every means in her power, perhaps invade her territory, give battle, lay waste some of her fairest settlements on her frontiers, endeavour to blockade her ports, call the wild indians to her aid, and gather the *United States Indians on the Rio Grande*, to assist them, I mean the *Creeks, Cherokees, Delawares, Shawnees*, and the *Spartan blooded Seminoles*. The 1st. have 13,000, 2d. 10,000, 3d. 650, 4th and 5th. 750 Warriors, mark what I say; but all this will amount to nothing in the end, but their final destruction as a people, and in twenty years may be seen the lonely Single Starred Flag proudly waiving over the palace of the Vice-Kings of Mexico.

Texas as a nation is fast increasing in strength, her laws are wholesome to the settler, strangers behold it and flock to her bosom, many citizens of Mexico see the same, and often in private express a wish that the laws of Texas extended as far as here.

I can assure Col. Bee, that hundreds within the last Six months have changed in favour of Texas, and I am sorry to say, that the Government is so decidedly against taking any measures in order to recognize that republic.

But to proceed more closely with the movements of this Government, I must inform you of the Step that has been taken by the Conservative power which was formed when the Constitution was framed, to see that no violations should be made relative to the Constitution either by the President or his Cabinet. This Conservative power, not from any good that they would contribute either to the Country or the people, have seen fit to declare null and void all such laws as they consider unconstitutional in order that they may acquire, no doubt, some sinister or interested motive in view, for their own aggrandizement, no telling what.

A law was lately passed by both Houses and signed by the President declaring that all thieves should be judged by a military tribunal, and if found guilty, to be put to death without further ceremony. This the Conservative power annuled as unconstitutional; but [it] was not annulled by that power until the time expressed in the Constitution had expired which is two months. They have pronounced it void on the day after the expiration of said time, declaring, from some frivolous proofs that the 1st. day of the 3d. month was not denied them to declare their sentiments, stating in corroboration as evidence that Congress had often acted on the 1st. of January when term of session had expired on the last day of December. This has caused much contention, hard thoughts, and even down to shameful threatenings.

However right the Conservative power may have been, however pure their motives, every good man for the sake of divesting this country of the ten thousand thieves it has, would be glad that the law should remain good and in full force.

Now the President says, if you will not allow me funds, nor means to carry on a war against the enemies of the Country, how is the Government to stand? If you annul my laws and those of both Houses, how shall I be able to satisfy the various demands of the country; no good can arise from such conduct on your part. Therefore my only plan is to pursue my own Course, choose my own Ministers, form my own Council, strengthen the reins of my Government by increasing the number of my friends, and augmenting the army, and then declaring myself Dictator, send you all to the Devil.

And this tho' it may appear improbable is not impossible. Bustamente has lately received an additional help, which is not to be considered in a trifling light, and is that an Arch-Bishop has lately been ordained with great pomp in the Cathedral of this City. His Excellency was the padre Godfather to His Holyness, having presented him previously with a beautiful ring valued at fifteen hundred dollars. I mean that His Excellency the President was the bestower of this valuable ornament to this honorable prelate.

The Arch-Bishop according to custom with religious bodies, when suffered to be connected with affairs of State will use his utmost influence to support the present views of Government; as he is aware that a change would be much to the injury of the Church property, as well as to the progress of the Church in general. You are no doubt aware that the rigidness of the Roman Church is equal if it does not exceed even Rome itself. Yet we are much better off in the City of Mexico, than we would be in Pueblo, a city sixty miles east of this: that City is still envelopped in all the dark shades extant in the time of the establishment of the inquisition: but few strangers are willing to live among them, and it is not long since it was not uncommon to hear of the Stage being heartily pelted with Stones, Eggs, Rotten fruit, etc. by the boys of the town, when filled with strangers. It is a beautiful city highly situated near two volcanic mountains, overlooking it, in romantic, majestic grandeur, the tops covered with eternal snow. This city swarms with a large population, counts its Sixty thousand inhabitants, and will you believe me when I tell you, not a single newspaper is permitted to be printed among them. It is a City composed of Priests, Monks, and Nuns, and Superstitious, ignorant, saucy impertinent people. And this may be applied to them in general—with very few exceptions. Now I would remark that when a people is so deeply buried in superstition, what may not a Bishop, or an Arch-Bishop do among

them? particularly when the most of them believe that he has the power of either sending them to heaven or to hell.

Upon this is built the grounds on which rests the hopes of Bustamente's Ministry. Religion I have already said is going down in this country, but notwithstanding this, I do not see that the people are becoming more wise—I mean the lower class.

I must leave off for to-night. The Chambers will open on the 1st. and from them I may be able to draw something of more weighty consideration.

WRIGHT TO BEE.

JULY 1st. [1840.]

DEAR SIR,

I was this morning in the palace at the opening of the Chambers—when the President was ushered into the House, with the usual military pomp, that of having the way lined with Soldiers from his Rooms to the House of Congress.

His views and that of his privy Council had been drawn up, upon some two sheets of common sized letter paper, rather short but pointed, and of the most urgent nature, 1st. that of bettering the Constitution for the salvation of the Republic; and the good of the people; the reconquering of Yucatan and Tobasco; that of the necessity of punishing thieves—the great necessity of procuring a fleet, and that of an IMMEDIATE EXPEDITION AGAINST TEXAS. Do not be alarmed; tho' I am sorry to inform you that they have procured loans (Cash already at hand) to the amount of Eight hundred thousand dollars, expressly for said expedition, and not a dollar to be taken from said amount, save that of Texas.^a But do not be alarmed so long as you have notice of their movements, which you may always be certain to have in due time when there is any possible chance; but, for Heaven's sake, do not leave me to wait another year without hearing from you, or I will turn Turk or forsake the cause, which would be hard on my side after spending my time and fortune for better than two years. I can hang on and breathe perhaps a year or two longer without any assistance, but I must not be slighted with neglect: however, even that shall have no effect upon my mind, as to my faithful discharge of duty; as I shall I hope to be able to have soul enough to spurn anything like neglect towards ^b a people for whom I have risked so much. In this I have been already tried. This Govt. having learned that an American was in this City who was well acquainted with the Indian frontiers, sent for me, through General Filosola, proposing a rich reward if I would contribute to the information of their Government relative to

^a This seems to mean "save what is to be spent in the attack on Texas."

^b The meaning is rather "from."

those tribes on the frontiers, and by becoming a pioneer or pilot in those regions. To this, I politely returned an answer, that it was not in my power to satisfy their wish, as only having been a Trader in that Country a Short time, and that my information was very limited, respecting the number and feelings of the savage tribes; ^a and further [as] an American Citizen, I could not comply with their request. I have never been further spoken to on the Subject, but have since heard that a (would be) friend of mine in this city, who was in the United States when some of my letters appeared in the Arkansas papers, relative to the frontiers had hinted this to some of the leading men of this Government, in order he says to serve me, thinking that I would have no objection, As my information could do no harm against the United States and from said motive [he] considered the movement in a very favorable light, to assist a friend; but tho' I cannot in conscience give you his name, as he has ever been very cautious in making remarks that might have injured me, yet I must go so far as to inform you that I have lately heard he is one of the disappointed Eleven league men, having claims against Texas for large tracts of land. Some future day I may give you his name, but as I am confident you do not know him, it matters not if you should ever know him.

I would not have related this to you, only to shew you in confidence, what a traitor might do in this country; and be well assured that nothing on my part shall be neglected so long as I have health and means in making every communication to you or the Government which may be of an interesting nature or useful tendency. One thing I would have you bear in mind, and that is to overlook my badly formed sentences: though educated at St. Mary's College near Baltimore, curse me if I can recollect the orthography of my language, owing to the many years of my residence in Spain, during which time I paid very little attention to the English language, and this has even injured me in composition. I mention this in order that you may account for so many errors which I have no doubt you find in my letters.

Again, relative to what was read in the House this morning, and my conversation with a Colonel of the Army, I must inform you that an expedition is ripe for Texas, and that you must believe me, for it is no excited supposition from the spur of the moment. For the sake of the little Republic, believe me Sir, until I inform you to the contrary. It will not I think be made very soon. The troops on Rio Grande are nearly all now at Metamoras. Between three and four thousand men under General Arista. Canalisio is on his way to this City by superior order owing I understand to his having com-

^a The awkwardness of the expression in this sentence will hardly obscure the meaning.

mitted some fault in not having co-operated with Arista when the last battle was fought with Canales. It appears that Canaliso, being the oldest man did not wish to be commanded by a younger General of equal rank. I think I hinted some thing of the kind either to you or Mr. Bryan and I have not been mistaken.

The troops now under Arista, being composed of his former [force], and now that of Canaliso, will remain on the Rio Grande until every thing is ripe for crossing the river: so that you may rest contented for the present, and perhaps for three or four months, as they have concluded not to be too hasty in the affair, and have ordered a halt in what was considered to be the present troops designed to go against Texas. I have often said that this Country is very slow in its movements; So are all Spanish Governments, and it may be probable that this third effort to reconquer Texas may not be ready for this twelve months to come. But there is no Knowing, and I would rather you should believe the danger nigh, than to view it too far off. That it is the determination of Mexico to make a grand effort, and that they have \$800,000 to commence with, is I believe without a single doubt; and you have my request that you take measures accordingly. I can say no more for the present on this subject and shall now give you some account of the Indian frontiers which I am persuaded you nor the Government cannot have, which is of the highest importance to Texas, and I have obtained it through a series of difficulties, and under the most peculiar circumstances, but in order not to tire out your life by reading my never ending communications, I shall proceed at once to give you the Most important in as few words as possible, As follows: At the time of the battle of Arista with Canales, there were present several Indians from the Arkansas territory who had just arrived, and were resting from the long voyage they had had over the plains of New Mexico; among these were several Indian chiefs or Captains on business of importance, which was to obtain permission from the Government of Mexico to settle on their vacant lands, in order to become citizens, and be removed as far from the Americans as possible, having they said, understood that Mexico was willing and anxious to receive them. This I Knew in 1839. All but one of these Indians returned after the battle, and after conversing with Arista, Except one a Cherokee and he having authority from the Chiefs of his Nation and others was dispatched by Arista under the protection of a Lieutenant Colonel (Teniente Colonel) to this City of Mexico strongly recommended by the said Arista to head quarters as a personage of the highest consideration. Said Indian arrived. I procured his confidence, found him quite intelligent. Can read and write—is nearly white—has been at Wash-

ington, and is no doubt a man of consideration among his people. He was immediately despatched;^a obtained permission to remain in the Rio Grande Country with all the tribes who under friendly views wished to accompany him. He asked for California, having understood it to be the best country, this however was denied him: the Rio Grande Country however is at the service of all the United States Indians from Chichuachua^b down as low as Tamaulipas, including the former and latter States, north of those of Coanala y Nuevo Leon. This is to be accomplished as soon as circumstances will admit. They are to move as soon as they see proper. Here is what you saw hinted at on a preceding page, and carries with it matters of the highest consideration to Texas.^c I will not comment upon it; you see the views of the Government, you have only to be wise. I have informed you of it and I hope you will take measures accordingly.

While in the Minister's room today with this Indian and the Colonel that attends on his business, in conversation upon the present proposed campaign against Texas (he having the utmost confidence in me) I remarked (to find out his mind) "You would no doubt be glad if this Chief with his neighboring tribes were now on the Rio Grande, they could no doubt be serviceable to you." "Would to God—would to God they were, they would be of great help to us." I add the above to show you the views of Government, more strongly, in regard to this matter. The Indian informs me, that they cannot get out under Eighteen Months, or two years, with their families, but that the young Men will no doubt come immediately, he says, further, that they do not wish to take any part with Mexico, in their quarrels, but however sincere he may be, he nor no other man of his tribe can prevent them;^d and I find some three or four of the same party, belonging to the Chief's company, actually took part with Arista against Canalis and fought for Arista, merely to show themselves.

I will now go on to mention something further on this subject, when I will proceed to give an account of the Indian frontiers.

[Here follows a translation of Almonte to Brown, June 20, 1840.^e]

Note.—Please be so good as to keep this as dark as possible, from whom it should have come, as it is not Known that the secret has leaked out, so as to be thus used. Make your own remarks on this, it may prove a bitter pill to Texas, but it can be swallowed.

^a That is, his business was despatched.

^b Chihuahua.

^c This may refer to the endeavor of the Mexicans to get information concerning the Indians from the writer of this letter.

^d The statement "but however sincere . . . can prevent them" is not that of the chief, but of the writer.

^e See *Senate Docs.*, 32d Cong., 2d Sess., III (Serial No. 660), Doc. 14, p. 54.

JULY 2D.

DEAR SIR,

Owing to my leaving the city in the morning for the interior for a few days, am under the necessity of closing this letter rather abruptly. As it was my intention to give a full statement of the Indian frontiers down as late as January, I shall now only speak of the most interesting particulars. 1st. Near the old Spanish fort^a were in January, some five or six thousand Camanches, Men, Women, and Children, then moving on slowly towards San Antonio; they said, they were in pursuit of Buffaloes, and did not intend to molest the Texans; but appeared to be hostile toward that people, but I learn further from my informant that they (the Camanches) appeared to be afraid of the Texans.

The Cayeways^b were high up on the North or Main fork of Braosos, not far from where I left them, when out. They were not supposed at this time, (December) to have much notion of sallying down on Texas, as they said they were going to do, when I saw them. The Pawnee tribes very hostile, but fearful. Some five hundred Camanches are on the little Witchytaco,^c a stream heading nearly at Braosos, and empties in the Red River some twenty miles above the Friendly (but thieving) Maives; this was in November, and is all at present I shall be able to say on this subject.

The news of Col. ———^d being in the Mines of Guadalajara is ———^e, as I have made every enquiry; there may be some American prisoner there who would pass himself off for Col. Crockett. Is it not the duty of the United States to enquire into the affair? but no, I forget—it is not the custom for them to bother themselves about American prisoners in strange lands, it is the English and French Governments who condescend to do that.

Some few weeks since an unhappy affair took place at California, some fifty Americans were taken prisoners and delivered over to the Devil or some one else by the Mexican authorities, stating that said Americans were found engaged in a plot of revolution; poor fellows, God only knows what will be their end! and as I have said, the United States will not see to it. And furthermore the United States have never had a Minister nor a Consul in this Country, that was considered any better than a Jack-Ass and respected and feared about

^a At San Saba.

^b Klowas.

^c Wichita.

^d The name originally written here, but erased, was doubtless Crockett. There was a story that obtained some currency in Texas, through a letter written from Camargo, February 6, 1840, by William C. White to the editor of the *Austin City Gazette*, and published in the issue of that paper for March 18, 1840, to the effect that Crockett had not been killed at the Alamo, but that he had been captured, and was imprisoned in the mines of Guadalupe, where White, not long before the letter was written, had seen him.

^e Erased. The word was probably "untrue."

as much, with the exception of Poinsett. My opinion is so good, and so well confirmed in what I have said, that I would sooner in any serious matter throw myself by three hundred pr. cent on the English or French.

The Delegates appointed for Washington will leave by first Vessel; much trouble has it cost this Government to get them ready.^a

Don Pedro Fernandez del Castillo is one, a Lawyer.

Don Joachim Velasquez de Lion is the other, and you will no doubt see their honors at your public halls; no great scratch I can assure you, have travelled some, know how to bow, be very polite, smoke cigars and perhaps waltz round a ball room with tolerable grace.

I must inform you before I leave off, of my calling on Mr. Treat, but not until very lately: poor fellow, I was sorry to find him so ill. This climate is not good for him; it is too high and the air is too much rarefied, and owing to the want of oxygen [he] is ever liable to take cold. I found him polite and friendly and am much pleased with him, and sorry that I had not called on him sooner. The letter you were pleased to send me, first fell into his hands, owing to the absence of Mr. ^b; you will however please direct your next letters in the same way as my ^b will know whom to send them to.

Take no rapid measures, from what I have told you of Mexico. For Mexico will move so slow that you may always keep ahead of her.

I am Dear Sir Yr. Most humble
and obt. Servt.

TREAT TO LIPSCOMB.^c

MEXICO *July 4th. 1840.*

Evening.

SIR,

I have the honor to wait on you with copy of my last respects of 19th Ult.; and at same time beg leave most respectfully to refer the *Department* which I have the honor to address to my despatches *herewith* directed to Gen. Lamar for particulars of my *present* position, and of my Expectations.

I have the honor to be with the highest Respect and Consideration,
Your most obedient Servant

JAMES TREAT

To the Hon.

ABNER S. LIPSCOMB

*Secy of State
Texas*

^a See note ^a, p. 648.

^b Erased.

^cA. L. S.

TREAT TO LAMAR.^a

[Private.]

MEXICO July 4th. 1840.

SIR.

I beg leave to wait on you with a Copy of my last respects, under the various dates of 14th. 19th. and 20th. Ultó, to which I refer you, should this *first reach you* as I was compelled to send the original, with various duplicates, by way of Havana, no other opportunity offering in any direction. I have the honor to hand you *also* herewith Copy of a Communication addressed to the Secretary of State [of Mexico], under date 20th. Ultó, with Copies of the *Extracts* therein referred to, which were taken from a despatch from Col. Bee, dated Washington, April 28th. and received by me on the 19th. Ultó. The Secretary has since informed me verbally that he had ordered them *translated*, and *appended* to the *Documents in Relation to Texas*, for presentation to Congress, *this* being precisely the main object I had in View, in making this communication.

I hope you will approve of the course. I have adopted in relation to Col. Bee's communication, altho' I had long before Spoken to the Secretary, as regards both the points referred to. I have advised Col. B. what I have done in the matter here, for his information and Government.

In the *Post Script* to my last, I anticipated that the days of the present Ministry were *nearly numbered*, and that they would be Compelled to succumb, or that the result of the Existing struggle might produce *Anarchy*, if not a *thorough Revolution*.

Such, indeed, was the aspect of things at *that* time, but I am *now* happy to inform you that during the last fortnight, things have changed for the better, and at present, the political horrizon appears tranquil and favourable to the party in power.

I hope it may thus continue, at least, until I Can get through with my business, for the *ordinary* delays are enough to try the patience of a *Job*, and when these *extraordinary causes* for postponement arise altho' *irresistible*, yet they together produce a loss of time, which is really *frightful*, to one who calculates time, as we are so apt to do.

No further progress has yet been made, or *in other words* our matter is not yet before the Congress, for the Various reasons to which I have before adverted.

The Secy of State however assured me yesterday that within a week it *should* go forward—that the subject had lost none of its interest with him or the Govmt. and *in fact*, I *thought*, seemed to feel an increased interest in the matter, in all which I take it for granted the Secretary is Sincere.

I shall however Verry soon be able to *test* this point, for I know of no good reason *now* why the matter should be *further* postponed, altho', I entirely *concur* in the policy of the delay *thus far*.

The opposition press continue to *harp* upon me and my mission, and charge the Administration with an intention to recognize Texas, and *now* and *then* attack Mr. Pakenham for *his* interference in *their* domestic concerns.

But as they attempt *no argument*, their object not being in any sense *patriotic* but purely *personal* and levelled *only* against the *ministry*, of *course* the effect produced is but *momentary*.

The Govmt. Press *denies* the *charges*, and says that the question of Texas is not under the advisement of the Cabinet, and some curious articles occasionally appear, in *strange quarters*, all which is more or less *unaccountable* to me. The ordinary period of the Session of Congress closed 30th. June, and that body was *re-opened* by the President on the 1st. inst. In the Presidents Speech, he speaks of "*The Usurpation of Texas*" as one among the various important matters which will claim the attention of Congress—but *he* goes no further. The Speaker of the House in his reply to the President outstrips him altogether, for *he* Says, in his excessive zeal, "Let us not rest, nor cease to labour for a single moment, in the Reduction "of Texas, *that Texas* which is the *head quarters* of the *Anarchists*, "and the *nursery* of *Revolutions*" etc etc; with other similar and ridiculous Ideas. I had intended Sending you all these various Slips, rather for your amusement than anything else, but I finally gave it up, as a matter merely calculated to excite your laughter.

I consider all these things as amounting to nothing, as against me, or my objects, *and Still* they appear so incomprehensible, inconsistent, and impolitic, one cannot help expressing astonishment, at what appears to be such *absolute folly*. I hope Sir, in my Next, to inform You of the *first impressions* of the *Chamber of Deputies* on this *Question*.

In the meantime, I have the honor to be with the highest Consideration and Respect,

Your Most obedient Servant

JAMES TREAT

To Gen. M B. LAMAR.

Austin

Texas.

P. S. I have written the Loan Commissioners in London *fully* this day both via N. York, and *direct* to London pr. British Packet.

I have also advised Col Bee *generally* of my *position and progress*.

Duplicate.

[Copy.]

MEXICO *June 20th. 1840.*

MOST EXCELLENT SIR.

I have the honor to enclose Y. E an Extract from a communication, received Yesterday from Barnard E. Bee Esquire, Texan Charge d' Affaires, near the Govmt. of the United States; and also an extract from a despatch from the Secretary of State of Texas to the said Charge d' Affaires, both in relation to the Proclamation of Neutrality by the President of Texas,^a and the Murder of Lt. Col. Benjamin H. Johnson, and his party, on the East Side of the Rio Bravo del Norte, while returning from a peaceful Mission to the Commander of the Federal Forces, *then* in Arms against the Government of Mexico.

I have thought it my duty to lay these Extracts before Y. E. for the information of H. E. the President of Mexico, who, with Y. E, will doubtless deplore the sad and cruel fate of Col Johnson, and his men, who had been Sent on a Service, alike advantageous to the Interests of Mexico, as it was honourable to the Sentiments of Philanthropy and Moderation, which actuated the President of Texas.

H. E. the President of Mexico will also discover by those communications additional evidence that the Government of Texas is consistent and persevering in the strictly neutral course it has adopted, during the administration of Gen. Lamar, and *especially* since he has more overtures for a friendly adjustment of differences, to the Government of Mexico, and *pending* its deliberation and decision.

I avail myself of this opportunity to offer to Y. E my highest respect and Consideration.

I remain, Sir Your most obedient Servant,

Signed

JAMES TREAT

To H. E. Sr. Don Juan

DE DIOS CAÑEDO, *Secretary of
State and of foreign Affairs.*

EXTRACT from a communication from the Texian Chargé d' Affaires, dated:

"LEGATION OF TEXAS,

" *Washington April 28th. 1840.*

"SIR,

"I received on my arrival here, Some days since, a despatch from
"my Govmt. relative to the fate of Col. Johnson, and covering a
"Proclamation of which the Enclosed is copy. There being no ac-
"credited Agent of Mexico at the present here, I have thought

^a That is, the proclamation of December 21, 1839, forbidding invasions of Mexico till the outbreak of active hostilities. See *Austin City Gazette*, January 1, 1840.

“proper to lay the Subject before you, that you may present it to the Authorities of Mexico in Such manner as may be calculable to produce the best impression; and I Extract for your guidance, from the Communication of the Secretary of State of Texas, *the following:*”

LIPSCOMB TO HAMILTON AND BURNLEY.^b

TREAT TO LIPSCOMB.^c

MEXICO July 13th. 1840.

SIR:

I have the honor to acknowledge the reception of your communication of 7th. of May, both *original* and *Duplicate* having reached me on the 6th. instant, and I have carefully examined its contents.

The communications which I have already had the honor to address to the President of Texas, and my despatch of *this days date*, will shew to the Department I have the honor to address the exact position which I now occupy, in reference to the execution of the Presidents instructions, with the Govmt. of Mexico.

They will *also shew* that the efforts made by Government to procure from Congress the necessary authority to open formal negotiations with me evince, on their part, (so far as I can judge) a *decidedly favourable* disposition as regards *some* amicable arrangement with Texas, and they have adopted what was deemed the *best means* to carry out their views.

The course adopted, however, has been attended with *great delay* (*yet almost inevitable*) arising from the Very Singular organization of the Govmt.; the peculiar State of Politic's and of parties; and the extreme delicacy and difficulty involved in the *question* at issue.

The Govmt. therefore, being compelled to reach Congress before it could act formally in the premises, and having *now* Succeeded in *that* object, it remains to be seen *whether* the influences which can be brought to bear on *that body* shall prove sufficient to induce it 1st. To authorize Govmt. to treat with me and receive my propositions, and 2d. to approve and ratify the *bases* of these propositions, and direct Govmt to close a Treaty under *said bases*, and such other *general* and *Secondary* provisions as it may deem expedient.

In this position of my affairs, I have deemed it most politic and Expedient *not* to make known my *conditional instructions* to *withdraw*, nor to act under them at the *present moment*, until I see *what* the *Report* of the *Committee*, may be on the *general question* of Texas;

^a For this letter, see Lipscomb to Bee, February 6, 1840.

^b July 7, 1840. See Calendar.

^c A. L. S.

the consequent action of the Deputies; and (in the event of *these* being *favourable*) *how* the Govmt. [will] receive my propositions, when fully and legally authorized by the Chambers *to open* a conference and negotiations on the subject of my mission to Mexico.

I *hope*, and venture to *believe*, that the *latter period* will arrive (if no unfortunate event should occur to suspend or vary my anticipated action of Govmt. and Congress, as regards the policy which I *think* they have marked out) and, *therefore*, I have thought I could *keep* your last communication *in reserve advantageously* to meet any *sticking point* that may arise on the part of the Govmt, on the "*sine qua non*" or cardinal points and conditions, which I shall be compelled, in virtue of my instructions, to present to them for their consideration and decision.

So long, then, as matters shall continue to go on Well and favourably, *I shall consider* that the position of things is *so far* "decidedly favourable" "to our overtures for Peace" that your instructions to "withdraw from your agency" are not to be acted upon.

But whenever anything indicates a *change* in the course of things; an unjustifiable delay; or I shall come to any *Stopping point*, where both parties seem determined *not to give way*; *in fine*, whenever I can make use of your instructions to advantage, either to accelerate action, or remove obstacles, I shall *then* act upon *them*, and such *other* incidental arguments as may be judiciously drawn from them and *circumstances*, to produce the desired effect.

In adopting this plan of procedure, I conceive that I have, *for the present*, best fulfilled the Spirit and even *letter* of your instructions, and am pursuing a course corresponding with the wishes of the President and the interests of Texas, as exhibited in your last communication, as well as in the general tenor of my original instructions.

Having come to the foregoing conclusion, I thought proper to consult Mr. Pakenham, whose *first* impression was to make use of the contents of your letter *at once*, but, after discussion and reflection, he finally co-incided with me, to *hold it in reserve* for a *future day*.

I hope, therefore, in view of the reasons herein contained, and those embraced in my Various despatches, the Department and the President will approve the course I have *thus temporarily* adopted.

I again refer the Department to my letters to the President, *herewith*, for all further particulars.

I have the honor to be, with great Respect and Consideration,

Your Most obedient Servant,

JAMES TREAT

To the Hon.

ABNER S. LIPSCOMB

Secretary of State

Texas.

TREAT TO LAMAR.*

[Private.]

MEXICO July 13th. 1840.

SIR.

I last had the honor to address you under date of 4th. inst., enclosing a copy of a communication directed to the Mexican Secretary of State duplicates of which I have the pleasure to hand you herewith, as it is very possible this may be the first received, as my letters now go to the Coast, without [my] knowing of any special conveyance for them, and are sent forward as oply., direct or indirect, may chance to offer; hence they must reach you very *irregularly*.

Since my last, Every thing has continued apparently quiet; but public affairs are far from being firmly settled: nor are the main difficulties of the Govmt. yet surmounted. Both Houses of Congress have Sanctioned a decree favourable to the Govmt. in its pending conflict with the *Conservative power*, and it now remains to be seen whether the latter will declare it *null* or not. The Govmt. have a majority in both Chambers and in the *Council* in their favour, and, thus far, a Majority of the Commandants General and Governors of the Provinces also; while the *Conservative Power* have the Supreme Court and another Corporation called the *Court Martial* on their Side. The Army [is] mainly for the Govmt. The Government seemed determined to carry their points, and in the Reforms of the Constitution already reported by a Committee of the House and soon to be discussed, it will endeavour to *destroy the Conservative power*, or, at least, *restrict its immense prerogatives*, and nullify its Sovereignty over both, the Govmt. and Congress. If in the meantime the Conservative Body and its corporate Supporters before named should *push matters to Extremes* by further acts of nullity (nullification), or by a *dissolution* of their respective Bodies, a State of Anarchy will ensue which may destroy the legitimacy of the Govmt. and terminate in a revolutionary Struggle, which will be decided by the *Military force* instead of *public opinion*, and the probable result of *all* will be the *Elevation* of a *Dictator*, if not *for life*, at least *temporarily*.

I only hope that these Events are yet *so far off* that I may get *fairly through* before they commence, and that the Govmt. will Sustain itself and keep its different branches together until I can obtain *Some Result* through the Action of Congress, which will be decisive, *for the present at least*, of Your Overtures for *Peace*.

This, Sir, is the very uncertain and unsatisfactory State of things, *as apparent at the present Moment*.

The Deputies having Sanctioned the project of Govmt. restricting the liberty of the Press, it is now in Senate, where it will undoubtedly

* L. S. The last sentence written by Treat himself.

be approved. The Govmt. contemplate no movement against Yucatan, for the present. They have no Vessels of war, nor means. If they can retain their authority over the neighboring State of Tobasco, they will do well, and even this is yet very *doubtful*. The Depart. of War and Marine have called on Congress for authority and means to obtain a Navy. The project of Gvmt. says it shall consist of *nothing larger* than *Corvettes*, and not more than *3 of these, 4 Brigs, 6 Schooners, 3. Steamers* and *14 Gun Boats—armed launches*. The total cost is estimated at *1½ million of Dollars*, and the *annual Expense* at *ONE million of Dollars*. This will be passed by Congress, but the *Ways and Means* will be hard to find *just now*.

Gen. Canalis has been recalled from the command of Matamoras, and is now on his way to the Capital. Gen. Arista has taken the entire command of the whole of the Northern Division of the Army, and all the frontier Departments. It is said he has under his orders 4000 troops. New Mexico, it is believed, has declared for Federation, or Independence, it is said here by Some, through the aid and co-operation of the Texians. The topic of the intended Recognition of Texas by Gvmt. is still adverted to by the papers, and insisted on by Some, while others have heretofore denied any such plan, or intentions. Of Canales we know nothing positive; he is said to be reorganizing and concentrating his forces. The Million Loan is now being taken up, at the rate of about *80% Cash*, and *20% papers*, which cost the parties about *5. to 8% of its face*. Interest *1. to 1½% pr Month*.

So much for affairs *purely Mexican*, but which effect indirectly the interests of Texas. You will now like to hear something of *our own* affairs, in relation to which I have but little to say. On the 3d. July a call was made in the House of Representatives on the Executive, for any and all information and Documents in his possession, in relation to Texas, and on the 6th. inst. the Gvmt. Sent in all the papers, documents and correspondence in its possession, with the *report and Action* thereon of the Gvmt. and Council. The papers were endorsed "*Urgent*," to be acted on "*with closed doors*," and the Speaker of the House, in introducing the Subject, Said that "*the Subject was of the highest importance*, and he particularly requested *the most rigid Secrecy* on the part of the Members." The papers were read and passed to a preexisting Special Committee on Texan affairs of *three Persons*. Yesterday, one of the opposition papers announced the fact that the Subject was before the Chambers, on a motion made by *Such* [and such] *a Member*, and that Gvmt. had recommended *great Secrecy* in its discussion. The Committee will not probably *report* sooner, than *10. or 8. days* hence. I trust that they will report in accordance with the wishes of the Gvmt. and my own, and I hope the House will sustain the report, and that I shall therefore be called upon, in due form, to open my Negotiation with the Secretary of

State, by my propositions *in full*. If then, within the Sphere of my instructions and the discretion which I must *necessarily* exercise to *Some Extent*, I can make my propositions so far acceptable, or admissible, on the part of Gvmt. as to induce it to exercise all its influence in the Chambers in the *Ratification* of the *bases* of the *arrangement*, I think I will then have Succeeded in obtaining a Treaty of *Peace, Recognition, Indemnity* and *Limits*. If we cannot agree in all the cardinal points, we may in some of them, and I shall, at least, be able to ascertain *how far* they are willing now to go to meet your Views, and *some good* may therefore grow out of my Mission.

Any conjectures *beyond the above*, would appear superfluous. I have ventured to anticipate *thus much*, for your information, and I trust satisfaction, and that of your Cabinet. I must however *again* beg leave, respectfully to remind you, that nothing can be *more uncertain*, than political calculations on Such a delicate topic, in Such a Country, and at Such a juncture, as the present. I beg leave to refer you, to an official letter, I have this day addressd. to the *Hon.* the Secretary of State, which goes with this; and Remain with great regard and Respect

Your obt. Servant.

JAMES TREAT.

To

Gen: M. B. LAMAR—
Texas.

TREAT TO LAMAR.^a

[Private.]

MEXICO *July 23d 1840.*

SIR.

My last respects were under date of 13th. instant, copy of which you have enclosed, and to it I beg leave to refer You, as it contains the hopes and Expectations I then entertained, in relation to my pending negotiation.

I *also* crave reference to my despatch of same date to the Hon. the Secretary of State, in reply to his last communication.

Since then, the scene has changed, and the Event I have so long and so much apprehended has occurred: *viz. a Revolution*, so far as the Capital is concerned. The movement is on the part of the Federalists against the Existing Central Government, and *as yet* the question of *Supremacy* remains undecided, altho' this is the *ninth day* since the Commencement of the Struggle.

During the night of the 14th. and morning of the 15th. inst. the Federal party and forces made a quiet movement, and Seized upon,

and took possession of the Palace, and secured the President, Bustamente, and his *Suite*, without firing a gun.

Making the Palace their *Head Quarters*, all those who were disposed to join them *flocked* thither, while the Govmt. troops were organizing at the Arsenal.

Mr Farias,^a the leader of the party, was called to the direction of affairs at the Palace as *President*, with Mr. Rejon as his *Minister* of the *Interior*, the command of the revolutionary forces being confided to *Genl. Urrea*.

On the Govmt. Side, the Troops were commanded by Major Gen. Valencia, and the only Minister that appeared was Almonte, Secy of War, as the organ of Governmt.

The Govmt. intimated to the revolters a Surrender *in two hours*, or an attack would be made on the Palace; and up to 2 P. M. both parties were marching troops, posting their Cannon, and Securing Such of the Churches, convents, and advantageous positions, as were within the *jurisdiction* of their *respective cannon*.

A negative to the Summons was given; the Hour Expired; and the Govmt. troops commenced an attack at 2 P. M. on the 15th. The firing was very active for an hour or two, both of cannon and Musketry, and the loss of Life on both Sides *probably* nearly equal, tho' *very Small*, as it was pretty much at *long Shot* as usual.

The firing continued, tho' languidly and at intervals from both Sides, during the day and night, and next morning, the 16th. *when*, a cessation took place, and a *parley* was brought about by President Bustamente who had been liberated from the Palace *that Morning*, *as is said*, for the purpose of bringing about an arrangement of differences. Commissioners from both sides met, but could agree on nothing, but to terminate the question by *Arms*.

At midnight the firing *re-commenced*, thus shewing that negotiations were at an end, *for the present*.

This is, in Substance, what has *occurred* during the first 48 hours, of the *outbreak*, and from that period to the present, the Story is a *brief one*.

Bustamente and all his Ministers, and *probably* his Council, have assembled in the Convent of St. Augustin, which is the *Head Quarters* of the Govmt.

They have declared the City in a State of Siege, and under *Martial Law*. They have received, and are receiving, reinforcements or Troops from the surrounding cities and Towns, are extending their lines, as oppty. will permit, increasing their battering cannon, and during the whole of this period of Six days, have kept up an occasional firing up on the Palace, day and night, which has been as constantly *returned*. The Palace, also, has received *some*

^a Gomez Farías, a liberal leader, who had been acting President of Mexico, 1833-34.

re-inforcements, and their respective forces are *not far* from equal, nearly all those of the Palace being *infantry*; while a majority of the Govmt. forces are *cavalry*. The City was deprived of its usual supply of water for about 48 Hours, by order of the Govmt. which is now restored. One or two *Sortie's* from the Palace, and three or four *active* attacks from the Govmt. troops, have been the occasion of *some* severe firing, for an *hour* or *two*, *generally* in the night, and with these exceptions, the firing on both Sides has been casual and desultory; just enough to prevent either party from advancing or Securing any *new positions*.

The Govmt. at the commencement dislodged them from one or two important *outposts*, but latterly they have gained no decided advantages, nor advanced their Posts. So that things remain *essentially* about the same as at the *offset*.

Meantime no movement (so far as we know) has taken place in favour of the federalists, but the Departments, so far as heard from, and according to the Govmt. Bulletin's, respond in favour of Government.

Gen. St. Anna, (ever ready to put down the federalists, with whom he has *lost caste*) has arrived at *Perote*, with, *it is said*, about 1000 Troops, whence he will probably *move* and *act according to Circumstances*.

He tells the Govmt. that he is ready to co-operate in the restoration of order, and maintenance of the existing State of things. It is indeed *reported* that he will arrive here, or in the neighborhood, today or tomorrow, but this is uncertain. It is very probable he will *come*, but *how soon*, is doubtful.

What I have said of recent events is from the best grounded reports and rumours, and a rational deduction from *all* that is Said *pro* and *con*.

Facts, we cannot ascertain, as we are all shut up, and unable to Visit any one without the risk of a random Shot or Shell, which are almost constantly flying over and around us.

I fear, my dear Sir, I have already exhausted your patience with my *necessarily dull* and *long report*, of *nine days Revolution* and fighting, without coming to any conclusion.

As regards the final result, and its bearing on my affairs, I will venture to remark that, if the Government succeed in putting down the Revolution *without the intervention of St. Anna*, public affairs will re-assume their former position, *more, or less*, and my negotiation will be resumed, and carried forward to an issue, *perhaps more rapidly*, in consequence of late events. *If, again*, the Govmt. are compelled, or induced, to call in, or accept, the aid of St. Anna and his troops, *he* will co-operate to put down the Revolution, *but all the rest will be for Himself*.

Should he appear as *Mediator*, at the call of his *friends* and *partisans*, and *not* in accordance with the wishes of Government, the troops *may* declare him Dictator and the Conservative Power may confirm it.

However the affair may terminate, or *whoever* may reach the administration of the Govmt, I shall, as soon as any degree of order is restored, press the object of my Mission to the *most Speedy termination. possible*, and, in the event of my being unable to do this *promptly and successfully*, I shall, pursuant to my *contingent instructions, withdraw* from my *Mission*.

July 27th. This was intended to go, by the British Cabinet Courier to have left on the 24th., but the Minister has detained the Messenger until *tomorrow Morning*, when he will departs for Vera Cruz.

This delay enables me to announce the termination of the Revolutionary movement in the Capital.

On the 24th. and 25th. the firing was kept up among the Belligerents, and at times verry briskly, but for the last two days there has been but very little, and since Yesterday *noon*, not a *single Shot* has been fired.

The *Archbishop* proffered his mediation to the federal party, and then went to Govmt. where, during the last night and this morning, a sort of agreement, capitulation, or at least, *understanding*, was entered into between the parties, and this morning neither of the *two chiefs* were to be found *in the Palace, Gomez Farias, nor Urrea*.

The officers signed, or agreed to, the arrangement. The terms have *not transpired*, but it is believed that Farias escaped from a hopeless enterprize, and that Urrea sold himself to Govmt., and then was permitted to escape also. St. Anna, at last accounts, had reached *Puebla*, and was coming on, with all his forces, and whether he will still *advance to the City* after he hears that the *federals* have Succumbed, remains to be seen.

It is rumoured that, by the arrangement, *Bustamente* will *resign*, and if so, St. Anna may be called to his place, *in which case*, the old *Ministry falls*, and St. Anna's friends will occupy their places.

In Such Event, and if Congress still occupy their Seats, *as is probable*, I have an *idea* that my business *may be much abbreviated*, and I may succeed *entirely*.

Either *this*, or St Anna will at once *decline* any and all action on the question, and use the *old War cry* of an *Expedition against Texas*, to enable him to reorganize and increase the Army for his *Ultimate Views and purposes*.

One of these courses, I think it most likely he will adopt, if he gets into power, (which is yet doubtful!) and, of the *two*, I think the *former* the *most probable*.

If Bustamante and his ministry *resume*, and St. Anna does not come in at all, things will probably move on as before, and my

affairs (as I have before said) progress (I hope more rapidly) to a favourable issue.

This, in the absence of any *positive data*, is all I shall *now* venture to *conjecture*.

So soon as anything is *Settled*, I shall not fail further to advise you.

I have the honor to be, with the highest Respect and Consideration,

Your most obedient Servant

JAMES TREAT

To Gen. M. B. LAMAR

Austin

Texas.

Postscript. July 29th, Morn'g. Since the foregoing, things have settled down pretty quietly, altho' *Martial Law* is *still* in force, and and will be until the 1st. proximo. This has led some to believe that this measure is intended to promote St Anna's views, should he come. He was supposed to be at Puebla last evening. The Govmt. tell him *all is over*, and his presence *not* required. His friends, *no doubt*, tell him *how things* are situated *here*, and, whether he will return home under his disappointment at not having a finger in the *Pye*, or push ahead, and compel Bustamante to *resign*, and he go in as President, or Dictator, remains *to be seen*. If he brings *1000 good men*, he can do what he likes, with the aid and co-operation he will find *here*. I am however, inclined to believe that the future administration of affairs, will return to the former parties in *power*, and remain for *a while*, tho' many think the *Ministers*, if not Bustamante, *will resign*. We have no Proclamation from the President *yet*, announcing the restoration of Constitutional order, and convoking *Congress*. They are probably waiting to *hear* from St. Anna.

This is all I can *now* add, for your further information but you shall hear again from me *soon*.

I am, Verry Respectfully and in great haste

Your Most obedient Servant

JAMES TREAT

WRIGHT TO BEE.^a

TREAT TO LIPSCOMB.^b

[Private.]

MEXICO 11. August 1840.

SIR.

I have the honor to hand you herewith Copy of my last respects of 13th. Ult., to which I beg reference, should the original not have reached the Department.

^a July 27, 1840. See Wright-Bee Correspondence July 27–August 18, 1840 (using last date for reference).

^bA. L. S.

I beg leave, most respectfully, to refer the Department I have the honor to address to my despatch to Gen: Lamar, of this date, which goes herewith, for the particulars of what has transpired since my last advices of July 23rd. to 27th. *inclusive*, copies of which are now transmitted.

In addition to which, I have only to remark that, as soon as the Govmt. had become a little settled, Say on or about the 1st. of August, I thought it opportune to advert to your contingent instructions of 7th. May, in an interview I had with the Secretary of State, hoping it would produce accelerated action on his part, in relation to my Question.

The Conversation that took place undoubtedly produced an impression on the mind of the Secretary, and especially when I informed him, that my late instructions would not permit me to remain much longer without Some *decisively favourable progress*, in the question of Texas, then fully before him.

But the peculiar position of the Cabinet, and particularly of the *Secretary himself* has induced a suspension, for the time being, and until the question of *Extraordinary Powers* asked for by the Govmt. shall be decided, as will more fully, and at length appear, by my communication of today, to the President, to which I again respectfully refer the Department. Without anything further of Moment I have the honor to be, with great respect and consideration,

Your Most obt and Verry Hble St.

JAMES TREAT.

To the Hon. ABNER S. LIPSCOMB

Secretary of State
Texas.

TREAT TO LAMAR.^a

[Confidential]

MEXICO August 11th. 1840.

SIR

I have the honor to hand you herewith Copies of my last despatch bearing dates from 23rd. to 27th. ult., inclusive, by which you will perceive that the Revolution, which broke out here on the 14th., and continued until the 27th. ulto., had put a stop, for the time being, to all ordinary public business, and of course, to mine.

I had hoped, and it was generally believed, that the Govmt., having completely triumphed over the Federal party, would, after a few days, restore things to their accustomed tranquility, and proceed, in the affairs of Gvmt. with more Strength and popularity (*at least nominally*) than before.

But the reverse has been the fact, and their course (certainly a very difficult one under existing circumstances) has been marked with a timid and constantly vascillating policy, up to the present time. For some days after martial Law had expired, they apprehended another movement, on the part of some of the military of high rank, having for their object to bring in Sta. Anna, or, at least, to put out Bustamante and his Ministry; and it was 8 or 10 days before Santa Anna, by countermarching his troops, and retiring himself to his residence, relieved the Gvmt. from any immediate apprehensions, as regards his course of policy.

Many, however, still think he makes a *Virtue of Necessity*, and only waits a fit opportunity, which he has recently lost by mismanagement, to draw his sword, to *Save the Republic*; or be invited by circumstances, again to take *the Helm of State*. The Ministry then attempted a Resignation feeling their Situation rather weakened than otherwise by the Revolution, and public opinion seemed rather to mark out to them this course, as the terms of the capitulation with the Federal Revolution were neither popular, nor, as many thought, creditable to the Gvmt.

Bustamante could not make up a new ministry to his mind, and of course opposed the resignation. Mr. Cuevas however, the Minister of the Interior, has resigned, and his place remains open, altho' it is reported, to have been offered to Several persons, who, it [is] stated would not agree to the *conditions annexed*.

The Cabinet, as a final measure, and one on which their continuance in office would depend, agreed to ask, in the mode pointed out by the Constitution, for *Extraordinary powers*; and the initiative of the Law, has already passed the Chamber of Deputies, and sent to the Senate for concurrence, where, if concurred in, it goes to the *Conservative Power*, for confirmation.

Its fate in the Senate is somewhat doubtful, tho' it is generally thought it will pass in some form, perhaps with modifications. In the Conservative Body it is impossible to conjecture the result, depending entirely upon intrigue and ulterior Views. This corporation is composed of five members only.

If the Gvmt. do not obtain the *Extraordinary Powers*, in Some Shape, or to Some Extent, the Ministry will then *resign*, at least the Secretaries of State and Treasury, for it is believed that, in that Event, Bustamante will retain Almonte as a *Nuclous* of the new Cabinet.

Thus you see, my dear Sir, how easily a month may be lost, and one finds himself *rather retarded* in his progress, than otherwise.

It has been painful to me in the extreme to witness these delays, and it is even more so, to be compelled to relate them to you, as I know they will be anything but Satisfactory to yourself and your advisors.

I have said this much, however, that you might the better understand my exact present position. I have seen the Secretary repeatedly during this interval, and must do him the justice to say, that, from all appearances, he has lost none of the interest, which he has uniformly felt, and expressed in our question.

He declines, however, in the present agitated State of Affairs, to urge the Committee, who have charge of my papers, to make up their Report, and thus bring the matter at once before the Chambers for discussion, and *especially* while the question of the *extrj. powers* asked for remains undecided.

If the powers are granted, he has an accession of Strength, to carry the Texas question forward with more eclat, and if they are not granted, he quits office, and I must understand myself^a with his Successor. I shall, in that case however, count upon all his influence in favour of our question. If I am compelled to re-open, or continue my negotiations with a new Secretary, I shall adopt a *very brief plan*, in which I will endeavor to avoid any further procrastination of any moment, in bringing the matter to Some conclusion.

I write without knowing of any opportunity to forward my letters unless *via Havana*.

I send herewith a *dupl.* of my last to the *Hon* the Secretary of State, to which I have nothing to add, except what I have herein communicated.

I remain very truly and Respectfully,

Your most obedient

and Verry Hble Servant

JAMES TREAT

To Gen. M. B. LAMAR

Austin

Texas.

WRIGHT TO BEE.^b

THE WRIGHT-BEE CORRESPONDENCE.^c

[WRIGHT TO BEE.^d]

MEXICO *July 27, 1840.*

DEAR SIR,

You will no doubt be surprised when I inform you that this city has been for the last ten days the scene of bloodshed and war. The

^a That is, come to an understanding.

^b August 18, 1840. See Wright-Bee Correspondence, July 27–August 18, 1840 (using last date for reference).

^c July 27–August 18, 1840. The copies making up this correspondence are transcribed together, and were possibly transmitted by Amory to the Texan government in his letter of November 12, 1840. See Correspondence with the United States in Part I, p. 466–467.

^d See note ^c, p. 461.

long expected revolution of which I hinted, has at length appeared in a most horrible form—but it is over.

On the morning of the 15th. at one o'clock General Urea escaped from the Ex-Inquisition,^a by the assistance of three officers on guard for the night. The greater part of the troops of the Palace were bought over, and the same night the palace with the President General Filasola and a number of other distinguished characters were in the power of the Federals. The Citadel^b which is out of the City was not taken. At ten o'clock said day, the towers of the Cathedral, the Cuartel of Santo de Domingo, the Government house, (Cabildo) with other houses around the Palace were fortified in order to defend themselves against an attack. In the palace was a great quantity of arms and ammunition; they counted at 12 o'clock some two thousand men, of which six or seven hundred were organized soldiers, and the rest made up of volunteers from the street. Such an opportunity of conquering, the Federalists will never have again; they also found upwards of Three hundred thousand dollars in money. The Custom house fell into their hands which had in Cash \$60,000: the National Bank and other deposits in the palace furnished the balance. Some Forty or fifty thousand dollars of this money belonged to the President. With all these means the Federals capitulated on yesterday, The Centrals conceding only life. Urea and Gomas Fareas, dastardly cowards, run away, leaving the soldiers to shift for themselves. This morning the soldiers more spunky than their run-away leaders, refused to Surrender: but under promise of an immediate change in the Constitution have retired from the palace some ten miles distant under the guaranty of the Central Leaders that they shall not be molested. The Government is bound by treaty to send them their cannon (6 or 8) pieces from Six to Eight pounders, and to furnish them with provisions. The change they ask is not exactly Federal, but it has not yet appeared, and therefore I am unable to say what the change they ask may be. If Government does not comply these six or eight hundred men will have to rob their way to some Federal town. The Militia that were with them and some French and Americans early this morning slipped out and have been lost among the crowd. Strangers in general curse the Federals for their chicken-heartedness, not having made a rush upon the enemy: but the officers are the cowards of this people; and a more pitiful set of cowards I have never seen. The Centrals were afraid to make an assault likewise, and thus they fought from behind walls of houses, banks of sand, and bales of cotton, until the principal houses above the Square have been much injured. Some

^a The prison used by the Inquisition in the days of its activity in Mexico, known in the city as the Acordada.

^b Chapultepec.

parts of the palace is much broken, in fact the injury sustained by the citizens by the havoc that has been made, including loss of goods pilfered will call for a Million of dollars to place the city as it was before this war. The battle commenced at ten minutes before *Two* on the 15th. and the firing of muskets, the thundering of cannon, and whistling of bombs, have continued more or less every day and night until yesterday 10.^a Nearly all the windows are shattered to pieces in Eight Streets leading to the palace, every man's sign is riddled, the City Lamps shattered, and store doors splintered to pieces. I cannot describe to you the awful state in which the city has been, during this time; only imagine to yourself the state in which a crowded city must be in, with two enraged armies firing at each other from every house and through every street. The citizens had no time to escape, many were killed in endeavouring to fly from houses which were unable to withstand balls of the cannon; others dies from shots received in crossing streets or their flight to safer retreats, and some out of curiosity to see what was going on.

Among the soldiery owing to their fighting from behind walls, they have not I presume lost from their lists, wounded [and] killed over four hundred men. This affair I am almost certain will put an end to their marching against Texas; even of thinking of it. No means left now—all at loggerheads, pulling and hauling robbing and killing. How is it possible that this people should be able to do anything. Let the Texans take courage, there will be no danger; You may invite emigrants to go and Settle, giving them every assurance that they will not be molested by the Mexicans. Why, Dear Sir, I am from what I have seen in this Siege, fully confirmed in the belief, that a wise and experienced American General with ten thousand brave American Riflemen, with Eight Sixteen pounders, may with ease march to this City, take it, and hold it, in spite of all the Mexicans could do.

1st. Such men would bring a formidable terror with them.

2nd. Strangers of every nation would join them, with as many Mexicans; therefore you may consider Texas free from danger, and receive my sincerest wishes, etc.

Notes.

Santa Aña was sent for but has not arrived; is within thirty miles. General Valencia is Commander in Chief. Filasola is at liberty, the President was set at liberty the 2d. day as Conciliator. It is supposed that Bustamente will not be permitted to retake the chair. Valencia will take advantage of the present, and the worst is to be feared.

^a That is, at ten o'clock yesterday.

Tonight, the mob has been very troublesome, and all afternoon, only to steal. What a people! they ought to have an Iron hearted King to rule them. Fit, do you say, this people to live under a Republic of their own; so am I fit to be a second *George Washington*. Santa Aña is going to be a sore eye here. The palace alone has sustained an injury of \$50000. The Captain of the Steamboat Argyle had nearly sold his boat to the Government the 2d. day previous to the Revolution. Urea and Fareas, are no doubt still in this city, hid: they have made their thousands, but they acted honorably in reference to the safety of private property, and were so mild in their requests from the Central party, that almost every Stranger loved them, but their cowardice has bereft them of many friends. The Federals offered a five hundred dollars to each good American Rifleman—four thousand (query “forty”^a) dollars is set apart for said purpose, and I have understood that a few Americans have lined their pockets in shooting Centrals, but they must now look out for breakers. Poor Mr. Treat! I have not seen him for the last fifteen days, owing to the accursed firing in the streets. I know nothing of Canales. Arista was in Tampico it is said, when the news of the Revolution reached there, and he fled to Matamoras, having narrowly escaped a trap set to catch him. The republic of Mexico will be a greater scene of havoc and war, from this out, for some months or years, than it has been since the Revolution of their Independence.

The Indian Cherokee is gone home by way of Vera Cruz;^b he says that he will not fight for the Mexicans, and that all he wished for, was their lands. Valencia, it is thought, will have Bustamente put down, and be *Lord* himself. Valencia wishes a military power; this was communicated to Urea and Fareas; they discovered themselves betrayed, as the petty officers began to think they would do better under a Military power than a Federal power. This we are given to understand was the cause of Urea and Fareas’ disappearing. The people expect the worst, and three different parties, it is expected, will soon be up in arms. Today 28th. 12 o’clk. The Nobility paraded in procession to the Cathedral in great pomp, with Bustamente at their head, bells were rung, Cannons fired and thanks offered to God or some imaginary Saint for their victory.

JULY 29. 9 O’CLK. AT NIGHT.

The 800 men who left the palace and who were to have capitulated five leagues from here stopped short four leagues from this City, in a thick walled Stone Mill with one piece of Artillery. Today I

^a This is probably an insertion in the copy. The query intended is doubtless whether “forty” should not be substituted for “four.”

^b See Confidential Agent in Mexico to Bee, July 1, 1840.

understand the Government troops went (2. or 300) to receive their arms, when lo the Federals let loose upon them and the Centrals were routed. They have some one at their head some Say Urea himself, some say Andrada has come back to them. Santa Ana, is said to be at Something the Centrals do not like. Never was this City in such a state of Consternation and wonder. Prisoners are brought in from all quarters. Strangers of all Nations have been for Urea, particularly so the French and Americans, of the former several have already been taken, and I fear the worst for some of the Americans.

No provision has been made in the meagre capitulation for strangers, and no mercy will be shewn to those who have taken part in the Revolution if apprehended. I have understood some Americans have made their escape. The French Minister swears wrath against the Government if they shoot his people—but what can he do? Our Minister here I think holds his head a little too high, and I believe he will not bother himself much about us. For my part, I hope to be able to pass through and have no need of him; but in case I have to suffer only for being a stranger, which we dread, I will seek refuge from some other power. I called once on Ellis, our Minister and he kept me waiting at his door so long as to shake my confidence in him, and at last only could see him by chance as he had to pass out.

JULY 30. 12 o'CLK. A. M.

This is the last note, I shall be able to give you, owing to the Mail leaving. We are yet all consternation. The Federals have not surrendered, they remain still in the Mill four leagues off. They were fighting with the Centrals all this morning, and it is not an hour ago when I could hear the firing of Cannon in rapid Succession. A hundred tales are going the rounds. Andrada I believe is in the mill. Urea and Fareas is no doubt not far off. Some say Urea is at the head of two hundred Cavalry in an adjoining Mountain.

Several of the Americans are said to be in jail, several French likewise. The French Minister has declared that his people shall be protected or he will leave for France.

Give us such a Minister, we might crow, but it is said our minister is very slow to practise with rigor.

I have sent you three papers; that of the Government is I think harsh and boasting, and many things in a great measure untrue. The other is more fair, but has been afraid to speak, as they have to deal with conquerors.

I cannot give you the amount of the dead; I find there were more killed than I expected. Some were found with their heads cut off, and the heads missing; Even the dogs yesterday were found devouring the dead.

[WRIGHT TO BEE.*]

MEXICO August 18. 1840.

DEAR SIR,

When I last wrote you, the revolution had just ceased, with the exception of the Soldiers who had left the palace. They finally surrendered. Genl. Urea and Gomas Fareas it is believed are still in this city. They presented [their petition] by Attorney for a pardon. I must inform you that the whole affair is now known to have been a speculation, and several have no doubt enriched themselves in the Capitulations of the Revolution. I am hardly^b sorry to say that the Mexican people in general have an inkling after wealth and aggrandizement, however low, mean or ungentlemanly may be the road they may have to pursue. Treachery is as common as morning succeeds morning. Brother will betray brother, Father his son; and the pretended patriot for a thousand doubloons, will sell the country. The Country is at present like a hive of bees; no one now likes to travel; thieves are as numerous as the stars—the City is in an unsettled state; skirmishes of small importance are an almost daily occurrence, between federal and the central troops; and lives are too frequently wantonly destroyed.

The Centrals are again established in power; are making rapid strides to obtain absolute power; they have received from Guajuata last week 800 men of different arms in order I suppose to be more safe.

I wrote you that it was very probable that the revolt would render this people so feeble as never to think more of Texas; but you will hardly believe me that the question relative to subduing Texas was the order of the day in the palace last week. There is no understanding this people. I see that the Secretary of War of Texas has called that people to arms,^c supposing General Arista east of the Rio Grande, and that Indians were gathered in a body to march upon the settlements. The first is not true; however anxious Arista may have been to march into that country. That the intention of this Government has been to invade that Country there is no doubt, but their internal broils has prevented the invasion. The Cumanches etc. I informed you some time since^d were moving on towards San Antonio, but was not certain as to their views—but must again say, Beware of the Savage, you are never Safe within reach of him. My advice is as yet to make no peace with them; Suffer no missionaries

* See note c, p. 461.

^b Probably the copyist's error for "heartily."

^c See reference to order brought by General Morehouse to Houston in *Telegraph and Texas Register*, April 22, 1840.

^d In his letter of July 1.

to go among them until they are reduced beyond the probability of committing further hostilities. Have the priests of Mexico ever succeeded? or the Vice Kings from Spain? Let Texas be wise, and shew no mercy, when that mercy will or would in all probability return with tenfold vengeance upon her devoted citizens.

Santa Aña is expected by some to come to rule, it is however only a rumor. I have just learned that two Mexican Schooners have been chased into Vera Cruz by a black Brig of War, said to be a Texian; also, that on the 10th. firing of Cannon was heard out in the Gulph; and that a Mexican vessel not having come in in time is probably a prey. Please be so good as to write me and inform me of particulars so as to know what to do. I know that the Texan fleet is out but know not the intention. I believe Texas may be quiet as no invading power can at present invade her territory. you will if in case^a be informed. Mr. Treat is still hammering away to make his negociation; he might as well talk to the moon and preach to the stars.

Two Americans are yet in prison, being suspected of having taken part with the Federals on the 18th. July. Many French have also been taken; poor strangers have been left out of the Treaty to shift for themselves; this will be a good lesson for strangers, not to take part with the Mexican. It was abominable in the Federals to leave their friends, the strangers, who assisted them beyond the reach of their treaty. May he who again assists them share a better fate.

MEMORANDUM EXPLAINING ATTITUDE OF TEXAS TOWARDS MEXICO.^b

TREAT TO LAMAR.^c

[Confidential.]

MEXICO August 21st. 1840.

SIR.

I have the honor to wait on you, with Duplicate of my last respects of 11th. inst, to which I beg reference, in case the original is not at hand.

I further beg leave to refer you, most Respectfully, to my despatches herewith, addressed to the Hon. the Secretary of State, which will

^a There is probably some omission or error by the copyist here. The original must have had some such words as "in this case."

^b August 19, 1840. See Treat to Lipscomb, August 21, 1840.

^c A. L. S.

inform you, of the present state of my negotiation, the actual position of the Government, and also of my own.

I hope, Sir, your recent excursion to the Island will have restored you to your accustomed health.

I have the honor to be,

Most Respectfully, and with the
the highest consideration

Your most obt Servant

JAMES TREAT

To

Gen. M. B. LAMAR

City of Austin

Texas.

TREAT TO MOORE.^a

TREAT TO LIPSCOMB.^b

[Confidential.]

MEXICO *August 21st. 1840.*

SIR.

I have the honor to wait on You herewith, with duplicate of my last respects of 11th. inst., which was accompanied by a despatch to Gen: Lamar of same date, and to which, with the *duplicates therein enclosed*, I beg leave, most respectfully, to refer the President, and also the Department I have the honor to address, for the particulars of Events here, *up to my latest date*.

I have now the honor to acknowledge the reception of your highly valued despatch dated at Galveston City 13th. June, which I have carefully examined, and shall be governed by its contents, so far as circumstances and sound policy will permit, in bringing to a close the objects involved in my Mission.

I submitted your communication to the perusal of Mr. Pakenham, who was evidently much gratified with its contents, and with whom I have, thus far, had the good fortune to concur in every thing of any moment, touching the course I have pursued in the execution of my Mission.

Your despatch, altho' sent into Vera Cruz by Commodore Moore on the 5th. inst., did not reach me until the 13th, having been inad-

^aAugust 21, 1840 (confidential). See Treat to Lipscomb, August 21, 1840.

^bL. S.

vertently delayed *four days*, and *four days more*, which in the *course of Post*, brought it to hand *only on the 13th.*, which deprived me of the possibility of transmitting a letter to Com: Moore within the 13 days, which you name as the period, which *one of the Squadron* would await my despatch. The method pointed out, to Send my advices to the Fleet, (supposing one of them to be in the position you name) through neutral Vessels, outward bound from Vera Cruz, is necessarily *very precarious*, as such a Service is always *very reluctantly* undertaken by Captains, in consequence of the *very possible* responsibility of *vitiating Insurance*, by a *deviation* from the direct and *legitimate voyage*, to say nothing of the annoyance of the Mexican authorities, should they be discovered.

It has, however, so happened, that I had nothing of much interest to communicate, either to the Gvmt. or the Commodore, at the present moment, as I am still awaiting the result of the question of *Extraordinary Powers*, on which the present Ministry will *Stand or fall*.

In case I had anything favourable to a friendly issue of my mission to Send out, the Gvmt. would, I think, permit me to do it *openly*; but, if I wished to advise an *unfavourable* close of my mission, it is not to be *expected* that they would *facilitate* my object, but rather *oppose it*.

Under date of 19th. inst. I prepared a communication in the form of a Memorandum, and Yesterday sent it to the Secretary of State, transmitted through Mr. Pakenham, who took occasion to recommend the subject to the consideration of this Gvmt. I adopted *this Channel*, as I was satisfied it would *gain strength*, and, at the same time, be more acceptable to the Gvmt.

I hand you a copy enclosed of said paper, for the information of the President and the Department. In framing this document, I had the following objects in view. To give course to the contents of your letter, and so far fulfil the instructions of the Department as to apprise the Gvmt. of the *complaints* of Texas, as well as her *Views, wishes*, and *present pacific and neutral attitude*. To cover, more or less, the *whole ground* of the *present* position of your Gvmt., and by bringing the whole subject anew, as it were, before the Gvmt., to shew the *necessity of some immediate action on their part*.

I made it *not so strong* as I might have done, in view of your late despatch, but as *energetic* and *pointed* as I thought good policy and the present position of things rendered expedient, and with a View to promote *our ultimate* objects.

How far I have succeeded in combining the various objects in View, and how far it may be Satisfactory to the President and Department, I must wait to know, but I crave, in its behalf, your indulgent consideration.

I have shewed the *rough draft* to Mr. Pakenham, who assured me there was not a sentence in it he would wish to amend. At his request, I furnished him my draft to make a Copy, which, I doubt not, will be forwarded to Lord Palmerston by the proximate packet, to Sail from Vera Cruz 24th. inst.

I anticipate, that this *Memorandum*, together with the verbal conversations previously had on the same topics with the Secretary, in which I expressed myself plainly and Explicitly, will produce Some Action on the part of Gvmt., which, if not exactly *conclusive*, will enable me to judge, with more certainty than I can at this moment, what their present *intentions really are*. What I regret is that the result of its effects will not be in time for this communication. The Gvmt. may take it in *dudgeon*, as a document too *plain* and *categorical* for *Rebels* to present to their Legitimate Govmmt when suing for *Peace* and *Recognition*, but, Should they *do so*, it will be a *mere pretext* to *dodge the question*.

I beg leave further to remark, in reference to my *Memorandum*, that it was necessary to take into consideration that it would be laid before the Cabinet and President, and perhaps the Council and Congress, and hence, the necessity, or Expediency of couching it in respectful and moderate terms, to avoid exciting the *false pride* of Some, and the hereditary notions of *national honor* of others. Hence also I thought it good policy to exonerate the Gvmt., *indirectly*, from having authorized or directed the petty hostilities complained of, in *your letter* and *my memorandum*.

As regards the interrogatories contained in your Communication, it is difficult to reply to them *categorically* or *Satisfactorily* at the present moment, and, as I am situated; but a *general answer* may be *inferred*, by the tenor of my present and late advices. I will, however remark that the vicinity of the Squadron has produced no palpable, or visible effects, *thus far*, either favourable or otherwise, on the part of the Gvmt. or in the public mind. This may be attributed to the agitated State of public affairs, and the *fact* that *only one* of the *Schooners* has been yet seen or reported.

Two Mexican Coasters which sailed from Vera Cruz on the 8th. inst. returned next day, and *reported* that they had been chased by a suspicious two-Topsail schooner, and were informed by *another* coasting Craft, which had been *boarded* by said *Schooner*, that she was a Texian. This is the report of the Va. Cruz papers. The authorities of Va. Cz. took the declarations of the Captains of the two Mexican Crafts, and forwarded them to Gvmt. These declarations, the Secretary of State informed me, *Stated* "that the Texian Schooner had *captured one* of the *coasters*, but gave me no con-

firmatory details. This Matter of Capture, I *denied most positively*, as having been made by *Com. Moore* or any part of his Vessels, *unless indeed*, in Violation of orders, which was not, for *a moment*, to be presumed. Private letters say, that the Schooner took some brandy from the Vessel boarded, and do not *add* that they paid for it as is no doubt the fact *if the Story* be true.

All these are vague rumours, but Enough for the Gvmt. to harp upon, and are calculated to produce *delay* and suspicion. Hence my *positive declaration* that the object of the Squadron was *pacific, pending my Mission*. Hence also the Suggestions, at the close of my Memorandum, of removing the apprehensions of the *Mexicans* on the coast as regards capture, and the use of *Sacrificios* by *Com. Moore*, under the guarantee of hospitality and protection. If they should grant it, *which I must doubt*, I would, if I can get a letter to the Commodore, suggest the use of the offer of this Gvmt., and, *of course*, leave him to decide whether his instructions or his duty would be interfered with, by such a course. The only benefit, by sending in a Schooner, for instance, would be that He could receive my despatches, and convey them to the Gvmt. of the Commodore, whenever they were of importance or *decisive* of my Mission, and the further advantage of Shewing to the public that the Gvmt. are entertaining some arrangement with me, and willing *pro tem* to be on *good terms with us*.

I am indebted for your instructions as regards a Truce, and I think, as well as Mr. Pakenham, that if I fail in the *Treaty*, I may obtain a Truce. How long it will require is very uncertain, but I ought to get all I shall ever get in a month; *less*, if unsuccessful; and, perhaps, *more*, if we have to adjust a Treaty or Truce, either of which will require *some details*, and they are so *everlastingly slow* in all their movements.

I shall, therefore, under the discretion the President has thought proper to confide to me, wait a reasonable time, according to circumstances, and endeavour to carry out my instructions, (unless the door is closed against me) *but no longer than I can entertain a reasonable prospect of some success*.

The foregoing is all I can now state for the information of the President and the Department I have the honor to address.

Mr. Pakenham expressed himself *entirely* Satisfied with your reply to his business, as regards the Vessels in question. I note what You Say as regards *Yucatan*, and Shall bear the Subject in mind.

I hand you a Copy of my letter to Com. Moore; but it is very doubtful if it reaches him, tho' I shall endeavour to effect the object, if possible; if not, it will reach the Department.

I trust the President's health, will have been fully restored by his Escursion to the Island.^a Herewith is a few lines to him, yet I refer him to this Communication for information of my position.

I have the honor to be very respectfully,

Your Most obedient

and Verry Humble Servt.

JAMES TREAT.

TO ABNER S. LIPSCOMB

Secretary of State

Texas

MEMORANDUM.

The Confidential Agent of the Govt. of Texas, having received recent official advices from that Govt. deems it his duty to submit to the consideration of the Govt. of Mexico the following facts and observations.

The Govt. of Texas assures the said agent of its continued and earnest desire for peace, which has been so long and fully evinced, not only by an entire suspension of hostilities, for a long period, but also, and more especially, by its strict and rigid perseverance in the neutral, and friendly course it adopted more than a year since. The said Govt. also assures its Agent, in the *most positive and unqualified terms*, that it has, during the above period, constantly and unhesitatingly refused all manner of aid, countenance, or co-operation either direct or indirect, with the forces which in opposition to the Mexican Govt. have at different times and under different Chiefs assembled on the Northern frontiers of Mexico, and have furthermore taken the most active measures to prevent the enlistment of Texian Volunteers under said chiefs, as is already known to the Govt. of Mexico. If it has not been entirely able to prevent this evil, it has to a great extent lessened it, and, at least, manifested, by its efforts, its disposition to avoid any just cause of offence to Mexico.

With the repeated threats of the Mexican Officers on the frontiers of a proximate invasion of Texas, confirmed in some degree by apparent preparatory measures of Govt. and the long delay of the Agent of Texas in Mexico, without having been able thus far to give any positive or satisfactory assurance of a friendly arrangement of existing difficulties between the two Countries, it is not strange that Texas should be preparing itself for Events.

Thence the assembling of a respectable force on the frontier of the country but to act, *for the present, merely on the defensive*, to preserve its long professed neutrality, and stationed within its own borders. *Hence* also the present cruise in the Gulf of a portion of its

^a Galveston.

Navy (after having remained in port, armed and equipped for Service, nearly a year) but with instructions to the Commander to act *on the defensive* only, and to commit no act of hostility against Mexico, *So long as negotiations are open and pending* between the Govt. of Mexico and the Agent of Texas.

It affords the Agent of Texas the utmost satisfaction, thus to be enabled to assure the Govt. of Mexico in the most positive and Solemn manner of the entire good faith of the Govt. of Texas, in all the foregoing facts and declarations, but at the same time, the said Agent would not fulfil his obligations to the Govt. of Texas, nor his duty to himself, if he omitted to State the Evils of which the Govt. of Texas complains.

Altho the Govt. of Mexico has not recently invaded Texas by any regular armed force, yet Texas has long been, and still is, suffering from the frequent incursions of small predatory and marauding parties, who traverse the frontier of the country, and commit depredations on the defenceless frontier population. This is an evil which the Govt. of Texas feels they cannot any longer submit to; and this, probably, is another reason for sending an armed force to the lines, to protect the inhabitants of the borders from these vexatious incursions which can have no national object, and the result of which is usually plunder, on the one hand, and exasperated and vindictive feelings, on the other.

The Govt. of Texas *also complain* that Mexican Officers or Agents have been and still are engaged in Exciting the Indians, both within and without the limits of Texas, to commit hostilities and depredations against the people of Texas. This is calculated to keep the frontiers of the country in a constant state of alarm, and Compels that Govt. to keep a respectable force of mounted Rangers traversing the frontier Indian Settlements. This is a serious annoyance, attended with much expense to the Govt. and, as in the former case (as the inducements of the Indians is plunder) productive of no possible national good, but much evil. The Govt. of Texas does not assent that these acts emanate from, or are sanctioned by the Govt. of Mexico, but they are nevertheless evils of a serious nature, and from which they think they ought to be exempt; *at least* during the pendency of amicable negotiations, and while that Govt. sustains the neutral and friendly attitude, she has heretofore, and up to the present time, continued to observe.

The Agent dismisses this topic, which he has referred to reluctantly, and only from a sense of duty, in the fulfillment of instructions, and to avert the continuance of the evils adverted to.

The Agent concludes by observing that he hopes what is herein stated, together with what was previously known to the Govt of Mexico, will show conclusively and satisfactorily:

That the Govt. of Texas ever has been and still is sincere in its pacific declarations: *That* it prefers *Peace to War*: *That* it desires still a friendly arrangement of existing difficulties with Mexico: *That* the measures she has adopted during the past year, and the continuance of the Agent here during the period of more than eight months, awaiting the action and decision of the Govt. of Mexico, will amply prove the constancy and perseverance, with which she has sustained an absolutely neutral attitude, and prosecuted her proposed plan of obtaining a peace, through friendly negotiations, rather than a resort to further hostilities: *That* the sacrifices she has already made to secure the blessing of peace cannot be continued indefinitely: and finally that it is for the Govt. of Mexico now to decide what shall be the future relation between the people of the two Countries: whether friends or enemies.

The Agent would most respectfully suggest that the evils which must result from an apprehension on the Coast that Mexican Vessels are exposed to be captured by the Texian Squadron, now in the Gulf, might be remedied by the Govt. making known officially that the subject of the Squadron is of a Specific character and that they can therefore proceed to sea as heretofore without any risk of Capture, as already before stated. And the Agent further remarks that, if the Govt. of Mexco, will proffer the hospitality and protection of its waters *Say the Roadstead of sacrificios* to the Texian Vessels of War, the Agent will invite Com. Moore who commands the Texian Squadron to avail of this offer, and thus allay all apprehension of any immediate hostilities.

The Agent Most Respectfully submits the preceding facts and observations to the consideration of the President of Mexico, with an Earnest desire that they may receive that consideration which the Agent believes their intrinsic importance will justly entitle them to.

MEXICO August 19th. 1840.

TREAT TO MOORE.

[Copy ^a]

[Confidential.]

MEXICO August 21st 1840.

SIR

On the 13th. inst. I had the honor to receive a despatch from the Hon. the Secretary of State dated at Galveston 13 June, which came to hand through H. B. M's. Minister, Richard Pakenham, Esquire.

^a This is a copy made by Moore himself, which is filed with the correspondence. There is on file also part of the copy actually inclosed by Treat to Lipscomb.

By this communication, I am apprized of your being in the Gulf with some three or four Vessels of War under your orders, and infer that you was in the vicinity of the port of Vera Cruz about the 4th inst. as my despatch was received in Vera Cruz on the 5th. but unfortunately was inadvertently delayed there three or four days, which, with *four days post route*, delayed its reception here until the 13th. inst.

This I very much regretted, as it deprived me of the possibility of placing a letter in your hands within the *thirteen days* named in my despatch as the period which you would await my communication in reply, after the delivery of my despatch in Vera Cruz.

Beside the method of conveying my advices to you pointed out in my letter from the Department of State is necessarily *very precarious*, as no Master of a Merchant Vessel, (or very few) would be willing to incur the possible responsibility of a deviation from their legitimate voyage, by taking despatches to be delivered *at Sea*, and perhaps *the further risk* of trouble from the Govt. should they return here, and the fact be known. Consignees of Vessels in Vera Cruz, I am persuaded, would, in most instances, object to it, and Capts would undoubtedly consult them. You, of course, have not the same difficulties to contend with, in sending *in* letters to me under cover to the British Minister.

The only way I could remedy this difficulty, in case my despatches to you, or to the Gvmt. were *highly important*, would be to send out from Vera Cruz a small Craft *expressly*, and, of course, by permission of the Gvmt. which would *only grant it*, if my advices were favourable to a *continuance of peaceable relations*. If for instance, I wished to inform you that my negotiations were broken off without any favourable result, the Gvmt. would not of course, facilitate my communication with you.

In the latter case, I should leave immediately for Vera-Cruz and should manage to find you, or one of your Squadron, if then in the vicinity, when the transmission of a despatch would be very doubtful.

As it is, however, I am in doubt what will be your course after the lapse of *thirteen days*, and you receive nothing from me: whether you will leave the vicinity with the whole of the squadron, or let one of them remain to receive any thing that I may be able to send you, I am left to *conjecture*.

My instructions require that I shall *immediately* apprise you in the Event of failing in my Mission, and this I should assuredly do, as soon as possible, either by letter, or in person, if I knew that one of your Vessels would be in the position named in my despatches, but when I shall obtain a *final decision* from this Gvmt. is yet *doubtful*.

My Negotiations have been retarded, and are now, for the time being suspended, owing to the uncertain position of the Ministry, as it depends upon the results of legislative measures now in progress

whether they will resign or continue in office. This unsettled State of things arises from an attempt at Revolution, which took place in this Capital on the 15th. July, and continued undecided until the 27th. of the Month, when it was quelled by the Govmt. which up to the present time has not become so far settled and tranquilized as to be able to proceed with my business. Hence I cannot at this moment, say anything decisive, but must await Events, as they transpire which *here* are always *slow*.

I hope however in the course of about a week I shall be able to judge (at least much better than I can at present) about *how long* it may be before I reach a final decision, and whether *that decision* will be *favourable* to the continuance of peaceful Relations between the two Countries, or *otherwise*.

Under these circumstances of doubt and uncertainty, and as my despatch from the Department says nothing of your movements after the *thirteen days* during which you would await my despatches, I very much regret that you did not honor me with a letter informing me of your general movements, and particularly how long you, or any of your Squadron would probably remain in the neighborhood of Vera Cruz. This information would have aided me very much to keep up a communication with you during your stay in this quarter of the Gulf.

I still however anticipate the pleasure of hearing from you soon, and hope you will have embraced the first opportunity of giving me such further information as will better enable me to execute my instructions in keeping you (and perhaps through you, the Gvmt.) advised of my progress, up to the *final issue* of my mission.

I send you this by the English Packet, to sail from Vera-Cruz 24th. inst. for the Havana. If she *falls in* with you, *you will receive it*, and with it a despatch for the Secretary of State, which please send forward, by the *first* of your *Vessels* that may be going to Galveston or New Orleans, or by any Vessels you may meet with bound to the latter Port.

If it *misses you*, all will go to the *Department of State*. If you send my despatch to N. Orleans Please place it under cover to *your Consul* to be forwarded immediately. This, my dear Sir, is the best course I can adopt to endeavour to reach you.

The report of your being in the vicinity has reached here, by the return to Vera-Cruz of two Mexican Vessels on the 9th. inst which had sailed the day previous. They report that a suspicious *Schooner* had chased *them*, and that they learned by another Mexican craft, that had been *boarded* that the Schooner was a Texian. They furthermore state that the Schooner had captured a Mexican Vessel.

This however must be a mistake *without doubt*. In view of my advices from Gvmt. I have not hesitated to assure *this Government* in the most *positive manner* that your instructions were certainly of

a pacific character *so long* as my negotiations with the Government were *open* and *pending*. This was necessary or expedient to allay the excitement produced by the report of Your having captured a Mexican Vessel. *Another Story* is that some Brandy was taken from the Mexican Vessel to which I have replied that if any thing *had been taken* it was undoubtedly *paid for*, and that the Commander had probably taken a *receipt therefor*. I have informed this Govmt. *that* if they would offer you the protection and hospitality of their waters, I would *invite* you to send in one of your Vessels to Sacrificious. This might be attended with some advantages. I will, *if I get a favourable reply*, further advise you (if I can manage to get a letter to you) *when*, in view of what I shall then inform you, you can exercise your own discretion.

I am in daily expectation of hearing from you, in which case I shall be the better able to send *you my advices, which I will* Endeavor to do, *at all Events*, so soon as I have anything of importance further to advise you.

I Remain dear Sir Your Most

Obedient and Very Hble Servt

Signed

JAMES TREAT

To

Com. E W. MOORE

*Commanding Texian Squadron
in the Gulf of Mexico*

The above is a true Copy. E. W. MOORE

TREAT TO LAMAR.^a

[Inclosing duplicate of letter of August 11, and referring Lamar to contents of letter of August 21 to Lipscomb.]

TREAT TO LIPSCOMB.^a

[Transmitting an inquiry, made through Mr. Pakenham, relative to William Harpur, of New Orleans, who was reported to have been killed in the service of Texas, and James Lewis, a native of Wales, who had been last heard from at Matagorda.]

MOORE TO TREAT.^b

TEXAS SLOOP WAR AUSTIN

OFF POINT MARIANDRIA

25th August 1840.

SIR

Your letter of the 21st. inst. came to hand this morning by the English Packet Brig Penguin, which Vessel left Vera-Cruz yesterday

^aAugust 21, 1840.

^bCopy made by Moore himself. How it came into the archives does not appear.

afternoon; I will despatch the Schr. San Jacinto tomorrow to Galveston with your accompanying *three* despatches, and a copy of yours to me agreeably to your request.

The Schr San Jacinto has been off this place since the 30th. July *but has not captured* any Vessel nor attempted to do so; she chased *two* Schooners two days since, and on one of them standing in for the Land, with the view, as was supposed, of running her on shore, the chase was instantly abandoned to prevent injury to the Mexican property. I arrived off here with the Schr San Bernard in company, on the 18th. inst. and have had, since I left Galveston, favourable opportunities of capturing *seven or eight* Mexican Vessels (*three* I have actually boarded) not one of which has been molested in any manner! You were, therefore perfectly safe in giving the Mexican Government the assurance that you did, and you may still rest perfectly assured, that so long as your negotiations are "*open,*" and "*pending,*" no Mexican Vessel will be molested by any Vessel of the Texas Navy until I receive additional instructions from my Government.

I would have written to you myself sooner but supposed that the letter from the Honble the Secretary of State had given you all the information, respecting my movements, that was necessary.

In order that you may without fail communicate with me, or with my government through one of the Vessels under my command you may be certain of either finding this Ship or one of the other Vessels of the Squadron off Point Mariandrea within twenty miles of the Land.

I cannot see any benefit that could possibly accrue from having one of the Vessels of our Navy at anchor at Sacraficious and if it be necessary I can anchor this Ship within *four miles* of Vera Cruz without the "protection" or "hospitality" of the Mexican Government but *in defiance* of their whole force!! My instructions prevent my appearing off any of the Mexican Ports at present.

I am in anxious expectation of hearing *definitely*, from you at an early date and hope most sincerely that the Mexican Government will acknowledge us at once, which it is certainly her interest to do.

I Remain Dear Sir

Your Most Obedient

and Very Hble Servt.

E W MOORE

To

Mr. JAMES TREAT

City of Mexico.

The above is a true copy

E. W. MOORE

MOORE TO PAKENHAM.^a

[Inclosing Moore to Treat, August 25, 1840, for delivery to Treat.]

MOORE TO LAMAR.^b

[Private]

TEXAS SLOOP WAR AUSTIN
At Sea 28th August 1840
Latitude 25° 20' N
Longitude 96° 30' W

His Excellency

M. B. LAMAR

*President of the Republic
of Texas*

DEAR SIR

I send by the same Vessel that takes this to Galveston a letter to you and two to the Honble A. S. Lipscomb from Mr. Treat our Agent in Mexico; also a full report to the Honble the Secretary of the Navy of my movements since the 22d July at which time I last wrote, with copies of a letter received from Mr. Treat and my reply.

By reference to my report you will see the disposition of the Federalists of Yucatan towards the Government of Texas and their anxiety for the cooperation of our Naval force; the weight of which, thrown at this time on their side would, I feel confident, be the means of establishing the Federal Constitution throughout Mexico, when we would be acknowledged at once.

The Centralists are almost prostrate, and single handed with the means already at your Command (the Navy) you might, without the least prospect of being molested by them on the Frontier, dictate to, and no longer *ask* at their hands, that which they can be very soon made to *feel* is ours already, viz our perfect Independence of them; and in my humble opinion they will never acknowledge it until they are made to *feel* it.

With the Navy manned as indifferently as it is, every Mexican Vessel can be captured that dare put to sea, and their whole Sea Coast be kept in a perfect state of fear and trembling; why then should we temporize any longer with them, when, if they had the power they would annihilate every male Inhabitant of Texas and spread devastation and ruin throughout our devoted Country.

^aAugust 25, 1840.

^bA. L. S.

You may keep *Treating* with them until the expiration of your administration and will, in all probability leave for your successor, whoever he may be, to reap all the advantages of your efforts; now is the time to push them for they never were so prostrate!

I Remain

With great Regard

Your Obt Sevt

E. W. MOORE

MOORE TO LIPSCOMB.^a

28th. August 1840

TEXAS SLOOP OF WAR AUSTIN

At Sea Lat 25 05 N

Long 96 34 W

SIR

I recieved on the morning of the 25th inst a communication from Mr. James Treat bearing date 21st Aug and enclosing two letters to you and one to his Excellency the President, which are herewith enclosed, together with a Copy of Mr. Treat's letter and a Copy of my reply which I wrote immediately and put on-board the San Bernard to be sent in by the first opportunity and made sail at once in the direction of Galveston on my way to the Brazos De Santiago, with the San Jacinto in company intending so soon as my despatches are all written to send her on with them and meet me again off Point Mariandrea.

From the tenor of Mr. Treat's letter I am under the full conviction that we will *never* bring the Mexican Government to terms by *Treating*; backed even as we are, and as they are now assured by Mr Treat that our Vessels will not molest theirs, so long as his negotiations are "open" and "pending" they will of course keep them *so* as long as they can possibly find a pretext, and it will not be long before their Vessels will be running by ours, and they on board laughing at us.

To obviate the difficulty that Mr Treat is labouring under in sending his despatches out, if his negotiations are still to be kept "*open*" and "*pending*" I would most respectfully suggest that I may be permitted to Cruize off and close to the Castle of St Juan de Ulloa; and board every Vessel, not Mexican, that sails from Vera-Cruz; by this course Mr. Treat would not have much, if any difficulty, in getting Capts of merchant Vessels to take charge of a letter for me as the Mexican Authorities could not possibly know by what Vessel I received a communication; and in the event of his negotiation being broken off, which I hope will be the case soon unless we are at once

^a A. L. S.

recognized, Mr. Treat could easily get on board of one of the Vessels, not having to pull more than four or five miles.

With all due deference, I cannot refrain from the expression of the opinion that we have temporized too long already; and if we let them see that we really are in earnest, by capturing their Vessels and annoying their Sea Coast; which we can do with our Naval force, to at least some extent, I cannot but believe that they will very soon come to terms. I have no faith in their promises, unless they *feel* that they can be forced to keep them;—The whole history of their negotiations is strong proof of this position.

By my report to the Honble the Secretary of the Navy which goes also by the San Jacinto, you will see that the Authorities of the State of Yucatan are, or profess to be our Friends; at all events their Ports are open to any Texan Vessel and they are anxious for the co-operation of our Naval force.

At all events I hope something will be done before the meeting of Congress and our present supply of Provisions and Stores are exhausted. The fate of our little Navy depends on the issue.

I have the honor to be

Very Respectfully

Your Obt Servt

E W. MOORE

Comdg Texas Navy

To

The Honble

ABNER S. LIPSCOMB

Secy of State

Austin Texas

MEMORANDUM COMMUNICATED BY TREAT TO THE PRESIDENT OF
MEXICO.^a

TREAT TO LIPSCOMB.^b

[Confidential.]

MEXICO *September 7th. 1840.*

SIR.

Under date of the 21th. Ult. I last had this pleasure, *duplicate* of which is already on its way. I then had the honor to inform You of my Position, and inclosed you a Copy of a Memorandum, which I had under date of the 19th. of August, submitted to this Gvmt. (*duplicate of which I hand You herewith*) and also a Copy of a

^a September 5, 1840. See Treat to Lipscomb, September 7, 1840.

^bA. L. S.

letter, which I addressed to Commodore Moore, *to all which* I beg leave to refer the Department and the President.

The letter to the Commodore, I have good reason to think, reached him very luckily on the 24th. Ultó.; but as yet I have no reply from him, the Squadron having disappeared from Va. Cruz on the 26th. I also sent the Commodore despatches for your Department, and for the President, supposing he might soon be sending in one of his Vessels; and some *other despatches* in *Duplicate* were forwarded at the same time, *Via Havana*. The *Kanhawa*, which sailed from Va. Cz. for New Orleans, changed her voyage *suddenly*, and departed, before I had time to *avail of her*. No foreign Merchant Vessels had arrived at Va. Cz., at last advises, since the 24th.; but the first arrival that we have I hope will bring me a letter from the Commodore, which will be most welcome, as I am entirely ignorant of his present and future movements, which, as I am now Situated, I should like much to know.

A brief Sketch of Events which interest and relate to my Mission will suffice for this Communication.

The Extraordinary *Powers* on which the Government relied to strengthen themselves failed in the Senate, and the Cabinet, rather than resign, as they said they would, have modified their application for an Extension of Powers, in a New and double form, viz: those that Congress have power to grant, they ask from that body; and those beyond their province, are asked of the conservative power. This question is still pending, and the general opinion, in and out of Congress, is that both branches of the powers will pass both Houses of Congress, but that the Conservative power will refuse to accede, *on its part*, to the call of Government supported by Congress. However, with the additional powers they will receive from Congress, without the others referred to, the Gvmt. will go on, and Ministers hold their places, at least for the present. Among these last powers is one authorizing gvm't. to borrow the Sum of *Six million of Dollars* to preserve the integrity of the National territory; to *reorganize a Navy*, on the basis of the project submitted by the Secretary of War some time since (of which I have already advised the Gvmt., in a former dispatch) and for other purposes.

The project of Almonte to raise *ways and means*, to carry on the War by a direct contribution [which was] presented to the Chambers in December last, and after great delay and many amendments passed the Deputies and went to the Senate, where I supposed, after three Months delay, it would sleep forever, has been revived and passed that Body.

The advices from the frontier are all more or less indicative of preparations, and the proclamation and decree of the Authorities of Sante Fé, Shew, that even they are expecting an invasion from Texas.

Since the appearance of the whole of the Squadron in Sight of Vera Cruz, several of the leading Journals are filled with abuse against Texas, and urging the Gvmt. to prepare for hostilities against Texas by providing for a Navy and increasing the Army.

The official paper has abstained from publishing any thing whatever on the subject until very recently, when it has republished several Articles of an unfriendly character.

The Secretary took it much *in dudgeon* that Com: Moore had visited Campeche, and pretended that it was sufficient evidence of the insincerity and bad faith of Your Gvmt., and asserted that it had indisposed many persons, who were inclined to some arrangement with Ts.

The Secretary also complained very bitterly of the *Robbery*, proved (as he insisted—) to have been committed by one of our Schooners, by the sworn declaration of the Capt. of a Mexican Coaster, from whom had been taken a demijohn of Brandy, some three or four hundred pounds of brown Sugar, and some vegetables. I discovered that much Stress was laid upon these circumstances, but mainly, as I thought, to justify further delay on the part of Gvmt. in urging the main Question submitted to Congress to some prompt decision.

The Secretary, nevertheless, assured me that my *Memorandum* had gone to the Chambers, and thence to the Committee on Texian Affairs, and that Said Committee were occupied with their report, which Gvmt. would accelerate all it could. I soon ascertained that these assurances were *not true*, and came at once to the conclusion that Either Gvmt. did not intend to bring forward the question of Texas *at all*; or, not until it Suited their purpose; and I resolved to bring the matter to a point, and made up my mind that I would remain no longer in the prosecution of my Mission, unless I could obtain Satisfactory Assurance, and of a more *formal character* than any yet given me, that Gvmt. would *at once* take up the Matter *Seriously*, and proceed to a friendly negotiation. Hence my *second Memorandum*, dated 5th. Inst. and delivered to the Secretary ~~this~~ day, a *Copy of which please find herewith*.

This will go to Congress forthwith, and it remains to be seen whether the Committee will report before the 18th. inst., and what they will recommend. My *impression* is that Gvmt. will not give me *any Assurances* which I shall deem *satisfactory*, and that by the 20th. I shall ask for my Passport.

As regards that branch of your instructions which authorizes an Armistice, from the moment I came in possession of the Presidents wishes on this point, I conferred fully and freely with Mr. Pakenham, and there was an entire concurrence of opinion on the whole Subject. To wit: that my policy was to carry through, and to *some final issue*

my present pending Negotiations, before presenting to the Gvmt. his alternative or Option.

They having refused to listen to my propositions for Peace, Recognition, Indemnity, etc., and pending my Passport, *then* Mr Pakenham, *as if at his own Suggestion*, in expressing his regret at the Consequences that must ensue from a State of active hostilities, will Suggest, as the *only* possible way *now* to avoid them, a *proposal of Armistice* to me, and thus, by way of an apparent Suggestion of his own for their benefit and consideration, introduce the proposition of an Armistice, which Mr Pm. will Strongly recommend and enforce.

It was thought by Us both that, if the proposal came *from me*, it would be almost certain to be rejected *without due Consideration*. It is therefore my intention to adopt the course, So Soon as I can bring the other Matter to a point; and if the Gvmt. entertain the question of a Truce at all, I shall meet the question, and I imagine it will not require long to arrange the matter; and if they decline it *altogether*, I shall take my leave *immediately*.

I shall proceed to Vera Cruz, and then to New Orls. *direct*, if oppty presents and if not *Via Havana* or Pensacola. Should I not find any instructions from your Department at *New Orleans*, I shall proceed *forthwith* to Galveston, where I shall hope to find a Communication from You expressive of the wishes of the President as regards myself. Should I be able to meet any of the Vessels of the Squadron, I might be landed *direct* at Galveston. I shall endeavour to see Commodore Moore, should he be anywhere within my reach, or make Every Effort to get a letter to him.

Again refering the President and Department to the papers herein enclosed:

I have the honor to be with great Respect, and the highest Consid.
Your Most obt Servant.

JAMES TREAT.

To

ABNER S. LIPSCOMB

Secretary of State
Texas

Duplicate Copy.

Memorandum

The Confidential Agent and Special Commissioner of the Government of Texas *once more* begs leave, most respectfully, to address the Government of Mexico on the Subject of his friendly Mission, as he deems it his paramount duty to endeavour, so far as possible, to remove any wrong impressions, which may have been produced by recent events.

In the first place, the agent begs leave to refer to his *Memorandum* dated the 19th. Ultimo, transmitted through the Hon. Richard Pakenham, and now has the honor to State, *in all good faith* and with entire frankness and directness of purpose, [it] is not less true now, in any one respect. The Agent understands that this paper has been placed before the Chamber of Deputies for their Consideration, when the subject is presented for discussion.

The Agent is unwilling to believe that any of the acts attributed to the Commanders of the Texian Vessels of War now on a pacific cruize in the Gulf should have produced in the minds of H. E. the President, or his Cabinet, any change, unfavorable to an amicable termination of existing differences, and much less can he suppose that these occurrences can, for a moment, be made the basis of a charge of insincerity or bad faith against the Government of Texas. The Agent cannot perceive why a friendly and neutral Visit of the Squadron to Campeche should give rise to any complaint on the part of Mexico, as it does not appear that any arrangement was entered into, and if a friendly, and even flattering [welcome] was extended to the Commodore, and his flag saluted, this was done by the authorities of Yucatan! Hence Texas has done no more than She had a right to do, without at all affecting her friendly negotiations with Mexico.

As regards the charge against the Captain of one of the Texian Schooners, as stated in the declaration of the Captain of a Mexican Coasting Vessel, that some Brandy and Sugar was taken from his Vessel, the Agent regrets to say, that this charge *may be true*, and yet he is strongly inclined to believe that, if Compensation was not received, it was *offered and refused*. But, admitting the entire truth of the above named declaration, while the act must be admitted by all to merit the most severe reprehension, yet it would not be just nor reasonable to inculcate the Government of Texas, in a matter so insignificant in itself, and so remote from all its recent acts towards Mexico.

If the charge be true, the punishment of the officer Committing this Violation of his instructions or his duty; the restoration of the Value of the property, and satisfactory explanation to the Government of Mexico, is certainly, *all* that any Government could require, or expect from an offence by a mere Subaltern, committed in the absence of his Superior Officer. This satisfaction and redress, the Agent pledges himself, the Government of Texas will be prompt to make, *should the charge be substantiated*.

Besides, the general instructions, under which it is now fully shown, (with the only exception of this alleged offence) that Commodore Moore has acted up to the present time, viz. Not to make any captures, nor commit any act of hostility against Mexico so long

as negotiations were pending in *Mexico*, precludes the possibility that the Government of Texas should approve the act alluded to, and *much less*, that it should have authorized it.

The Agent, therefore hopes and believes that these circumstances will not in any degree lessen or destroy any favorable disposition which may have previously existed on the part of the Government, or the Congress of Mexico, to listen to the propositions which the Government of Texas, through its Agent, has authorized to be made; and FINALLY that the Government of Mexico should now determine whether the result of several years pacific and friendly policy, and one years earnest and constant solicitation for an amicable arrangement on the part of Texas, should *at last* result in a renewal of hostilities.

If so, the Agent of Texas must, on behalf of that Government protest against any and all responsibility on its part for the Consequences and evils which may ensue from a State of things, which She has so constantly and so earnestly sought to avert.

Texas, in this *sad* and *undesired event*, will await the VERDICT of an impartial World, in the *almost certainty* of an entire justification.

The Agent would not omit to observe that he has seen with regret, and duly considered, the situation of the Capital during the latter part of the Month of July, and the Consequent embarrassment and difficulty which the Government has since had to contend with in the despatch of public business. At the same time, however, the Agent is compelled to say that he has very nearly exhausted all the discretion which the Government of Texas has granted him, as regards prolonging his Stay in Mexico, and especially *since up to the present moment* he has not been officially authorized, to make a single declaration of a favorable character to that Government.

The Government of Mexico have said they would hear *any Agent from Texas*, before any one appeared; and it is now nearly *Nine Months* since the present Agent arrived in Mexico, without yet having obtained an official hearing.

He sees with regret that measures preparatory for an invasion of Texas are every where advocated, and that the Legislation of Congress tends clearly to the supposition that hostilities are preparing against that Country.

In view then of all the declarations and assurances which the Agent has herein and heretofore made, in writing or verbally, through the friendly interposition of the British Minister and in *further* view of the actual position and present aspect of the questions involved in his Mission, the Agent is compelled, however reluctantly, to State that he hopes and expects that *on* or before the 18th inst. H. E. the President will be enabled to give some official or formal assurance of the final determination of this Government as

regards the object of his Mission, which may satisfy him of the actual intentions of the Government to enter *forthwith* upon an amicable Negotiation. *Otherwise*, the Agent will *then* deem it his imperative duty to ask most *respectfully* for his passport, and withdraw from his Mission.

The Agent respectfully solicits that this exposition may be placed before the Hon the Chambers of Deputies *without delay*, that it may be annexed to the antecedent documents in relation to the same subject.

The Agent, through the Medium of the Hon. Richard Pakenham, most respectfully submits the foregoing remarks to H. E. the President of the Republic of Mexico for his *consideration* and *decision*.

MEXICO September 5th 1840.

LIPSCOMB TO TREAT.*

REPUBLIC OF TEXAS

DEPARTMENT OF STATE

September 15th 1840

TO JAMES TREAT Esqr

SIR,

I have the honor to acknowledge the Receipt of your despatches of the 11th to 21st August which came to hand, through Commodore Moore, all of which have been laid before his Excellency the President. And I have the satisfaction to assure you, that he fully approves the course you have adopted. I sincerely hope that before this reaches you, that, you may have been able to effect a favorable result, of your negotiation. If this, however should not be the case, and you should discover a disposition on the part of the Mexican Government to interpose unnecessary delay, not resulting from the legitimate action, and usages of their peculiar forms of business, you will on such a contingency, present the ultimatum by requiring an explicit and definitive action on your propositions, and bring your Agency to a close.

One of our vessels of War, will be ordered down to Vera Cruz, for the purpose of conveying to you this despatch, and should you be able to effect the arrangement referred to in your last, to remain and openly communicate with you, for the purpose of facilitating your correspondence with the Govt. You will inform the Commander of the terms, on which such arrangement has been made. And in that event we shall expect to hear from you very soon; if not, you will have to avail yourself of the best means that may be presented in forwarding your despatches. I understand from Commodore Moore,

* See Records of Department of State (Texas), Book 54, pp. 30-31.

that if a communication is permitted at all, that it would be best, that the vessels should lay off the Castle at Vera Cruz, some five miles, as affording more easy communication, than from the bay of Sacrificios.

I have the honor to be, with great respect
Your obdt Servt

ABNER S. LIPSCOMB
Secty of State.

AGENT OF TEXAS [TREAT] TO SECRETARY OF STATE OF MEXICO
[CAÑEDO].^a

MEMORANDUM FOR ARRANGEMENT OF AN ARMISTICE BETWEEN MEXICO
AND TEXAS.^b

CAÑEDO TO PAKENHAM.^c

TREAT TO LIPSCOMB.^d

[Private]

MEXICO Sept. 29th. 1840.

SIR.

In my last of the 7th inst. I apprized You of the Situation of my affairs here, and expressed a belief that, *after all*, I should effect no arrangement of *any kind* with this Gvmt. They are so weak and changeable, (independent of their *deceptions*, but very *Specious* assurances—) that it is very difficult to rely on anything whatever.

You will perceive, by the tenor of my last and the papers therein enclosed; (—viz., a dupl: Copy of a *Memorandum* dated 19th. Augt., to the Gvmt., and an origl. Copy of another *Memorandum* of the 5th. inst.—) the course I then proposed to adopt to close my mission.

I beg leave now to refer You to the papers herewith; say: a copy of my last of 7th. inst., dupl: *Memorandum* of paper sent to Govt., dated 5th. inst., and a Copy of my *last Note* demanding passport under date of 21th.^e inst.

These Documents will shew you, that the Gvmt. had declined *Entirely* my propositions for *Recognition*, coupled with an offer of

^a "Memorandum," dated September 21, 1840. See Treat to Lipscomb, September 29, 1840.

^b September 25, 1840. See Treat to Lipscomb, September 29, 1840.

^c September 26, 1840. See Vitalba to Lamar, December 8, 1840.

^d A. L. S.

^e Entitled a "Memorandum."

indemnity for certain limits,^a to be hereafter fixed, the particulars of which I must omit for a future day.

Pending the answer to my note of 21st. inst, Mr Pakenham took occasion to suggest the idea of an armistice to Mr. Cañedo, the Secretary of State, as the only means *then left* to avoid a conflict with Texas, and after some Conversation, it was understood that if I had powers to arrange an armistice, and was disposed to do so, they would receive proposals, and act promptly upon them. I offered to *receive* any propositions that might be made touching the armistice, but declined *making* any *myself*, and the result was that Mr. Pakenham was authorized to present the proposals I should authorize him to make to this Govt. I prepared a paper in accordance with the Views of Mr. Pakenham, which he presented,—(see Copy herewith dated 25th. inst—) and it was laid by the Secretary of State before the President and Ministers and there discussed at two or more Sessions of the Cabinet, without authorizing the Secretary of State to give me or Mr. Pakenham any specific answer; and thus matters stood until this day, when the Secretary of State delivered to Mr Pakenham my Passport and an official Note referring to my Affairs, of which, as yet, I have no copy, but shall procure one, together with the other Correspondence, for the information and Satisfaction of the President and the Department. The Secretary of State had resolved to quit office the next day, and hence was willing and probably preferred to despatch my general Mission, in the way already stated, leaving the matter of the *Armistice* open and pending for his Successor. As it was *Entirely* useless, under the circumstances, to press the Matter with Mr. Cañedo, on the point of leaving office, Mr Pakenham called on Genl: Almonte, Secretary of War, and after some conversation Mr. Almonte assured Mr Pakenham that *he* was in favor of an Armistice, and had, and would continue to, advocate it, and, if I would give them more time, he thought, something could be accomplished. It was agreed that I would wait *eight days*, provided Mr. Almonte would take the Matter up in earnest, and endeavour to carry it through.

This then is the present position of Affairs; but I much doubt if any thing will grow out of it, as the Cabinet is falling to pieces gradually. A Mr Gutierrez Estrada, who was expected to succeed Mr. Cañedo, now declines, and the State Depart., will be turned over, ad interim, to the Minister of the Interior, *Mr Marin* who is a *Jesuit* and *fanatic*; and the only man who can do anything is Almonte, and whether he can *drag* the *President* and Such Colleagues into his Views, even were he so disposed, is a Matter to my mind very doubtful.

^a That is, boundaries.

I therefore presume I shall be on my way down to Va. Cruz by the 10th. or 15th. Octbr.

I have received despatches from Com: Moore, as late as 17th. inst., and Shall write him to-morrow in reply *by Dupl*: and inform him of the Extreme probability of my being down about the 15th inst., and that I hope to find one of his Vessels at the Rendezvous.

I send this, and enclosures cited to Com: Moore to forward as soon as oppty presents, altho' I deem it very uncertain whether it will reach him. If not, it will, *Via Havana* or *N Orls.* reach your Department.

If contrary to my Expectations, *any thing* favourable would result from the project of an armistice, I shall make the shortest possible work of it, and convey it to Texas to be submitted for ratification.

The fixing the *Rio Bravo del Norte* for the Military line of demarcation, they do not Seem *to like*, and I cannot see that *any other* can be assented to advantageously.

I have the honor, sir, to be, with the greatest respect, and consideration,

Your Most obdt and Hble Servt

JAMES TREAT

To Hon

A. S. LIPSCOMB

Secretary of State

Texas.

The notes referred to in this letter of dates 21st. and 25th. September, have not been received at the Dept. of State.^a

Duplicate Copy.

"Memorandum."

The Confidential Agent, and Special Commissioner of the Government of Texas begs leave to address the Hon the Secretary of State, with the object of asking for his passport and Safe conduct to Vera Cruz, where he proposes to embark, so soon as opportunity presents.

The paper which the Agent last had the honour to present to the consideration of the Mexican Governmt. bearing date 5th. instant, as well also as the preceding one dated 19th. Ult, exhibited very fully and frankly the position of the Agent, as regards the objects of his Mission, and announced the necessity of his proximate withdrawal from Mexico, pursuant to his instructions, Unless he could receive

^a This note was made after the letter was received. It appears from the present condition of the files, that the "notes referred to" were both inclosed; but since each was disguised under the title "Memorandum," they were not identified.

satisfactory assurances of the fixed determination of the Mexican Government *to listen to*, and *act upon*, the friendly overtures of the Govmt. of Texas.

The period named in the Agent's last Note having expired, without his having received any assurance whatever of the pacific Views of the Govmt. of Mexico towards Texas, or even of its disposition to entertain the subject in question, the Agent is compelled *very reluctantly* to adopt the Course which he proposed in his last named communication.

The Agent on this occasion is impelled to express his deep regret that after so long a Stay in the City of Mexico, he is obliged to abandon his friendly Mission, (which has already occupied *thrice* the period originally contemplated by the Governmt. of Texas) *not only* without having accomplished the pacific views and wishes of the President and Congress of Texas, for which the Agent was most fully authorized; but even without having been able to present officially, or *formally*, the propositions which he was authorized and instructed to make, or to convey a single act or declaration which indicates that Mexico ever desires a good understanding, or peaceable relations with Texas, *on any Terms*.

If the Agent retires disappointed at the fruitless result of all *his* efforts, how much More will the President of Texas and his constitutional advisers be Surprized to learn that after Nine Months mature deliberation and reflection, the Govmt. of Mexico have refused to hear the proposals of Peace and Amity preferred by the Government of an Ex-Colony to the Mother Country, for its Consideration.

The Agent, however, has digressed from the purpose, for which he craves the indulgent consideration of the Hon. the Secretary of State, inasmuch as the said Agent, having already and at length, Spread before the Governmt. and Congress of Mexico the objects and Views of the Governmt. he has the honor to represent, it would be quite superfluous *now* to enlarge upon the Subject.

The Agent takes it for granted that the Hon. the Secretary of State will have the goodness to furnish him, or, (if that be objectionable) the Hon Richard Pakenham, whose official and friendly interposition and good offices have been resorted to and freely rendered during the whole negotiation, with an official Communication, which will refer to (in such terms as the Hon the Secretary of State may deem most appropriate) the origin, progress, and termination of the Mission of the Said Agent to the Governmt of the Republic of Mexico.

The Agent begs leave to present to the Hon the Secretary of State his regard and consideration, and through H. E. to H. E. the President of the Republic his highest and most profound respects.

MEXICO *September 21st. 1840.*

COPY.

Preliminary Memorandum, for the arrangement of an Armistice between Mexico and Texas.

1st. An Armistice, and entire suspension of hostilities, by Sea and Land.

2d. The Armistice to continue for three or four Years, and Six months previous notice to be given, by Either of the Parties, before its obligations can be cancelled.

3d. If any Mexican troops shall be found on the left side of the Rio Bravo del Norte, they shall forthwith return to the right side of Said River; and, if any Texian Troops shall be found on the right Side of Said River, to return forthwith to the left side; and it is further hereby agreed, that the Troops of neither of the Contracting parties shall repass the Said Rio Bravo during the continuance of the present Armistice.

4th. Both parties to engage to do all in their power to prevent Indian hostilities, on either side of said Rio Bravo del Norte.

Together with such other minor conditions and provisions, as may be necessary to carry the foregoing into full effect, and secure to both the Contracting parties all the advantages of a State of Peace, so long as this arrangement is binding.

This arrangement, if *concluded*, to be ratified by Mexico, and forwarded without delay to the Govmt. of Texas for its constitutional ratification and the Exchange of said Ratifications, as soon as practicable.

MEXICO *Sept 25th. 1840.*

PAKENHAM TO TREAT.^a

TREAT TO MOORE.^b

TREAT TO MOORE.^c

TREAT TO LIPSCOMB.^d

[Confidential.]

MEXICO *October 6th. 1840.*

SIR.

My last despatch of 29th. Ulto, with its Several enclosures, (all which accompany *this*) was prepared for the English Packet *via*

^a September 29, 1840. See Vitalba to Lamar, December 8, 1840.

^b September 30, 1840. See Vitalba to Lamar, December 8, 1840.

^c October 6, 1840. See Vitalba to Lamar, December 8, 1840.

^d A. L. S.

Havana, but the British *Cabinet Courier* has been detained *day by day* Until now, in consequence of a misunderstanding between Mr Pakenham and this Government, *which*, after several days doubtful efforts, has been finally settled in a manner entirely satisfactory to Mr P, and the *Courier* will leave in the morning.

About the Middle of September, Mr. Pakenham presented to this Govmt. sundry matters and claims, some of which were of long standing, for final adjustment and payment, and informed them *that* if by the 29th Sept^r they were not favourably disposed of, he should demand his passports. The 29th came, and it was very generally believed that every thing *was* adjusted, or in Course of Settlement, which was more or less true, *and* thus matters run on, until the 1st. inst, when from Some Unexpected difficulty, Mr P required *peremptorily* his Passports, and closed all intercourse on *his part* with the Govmt. and communication at the Palace.

Until Yesterday, the whole time has been taken Up in endeavours on the part of the Government to reconcile, and arrange matters with Mr. P. who would not withdraw his demand for passports, nor Visit any of the Govmt. offices, or Public Departments, pending his unsatisfied demands; but conferences were held, at the House of one of the Ministers, and matters finally have been satisfactorily arranged, so far as Mr Pakenham is concerned.

I have not been informed of the Merits of the Question *as yet*, but I am Satisfied that the Governmt. were compelled to Meet all his (Mr P's) demands, or he would have *insisted* on his *Passports*.

Of course this state of things has entirely Suspended, for the time being, all progress as regards my proposals for an Armistice and the Eight days, which have already elapsed, must be extended a few days longer, to endeavour to ascertain if anything can be reasonably anticipated from Mr Almontes promises. To morrow, after the departure of the Packet, Mr Pakenham has promised me his renewed and active co-operation, and I trust that in a few days I shall know the result.

I have advised the Commissioners in London^a both Via N. York, and by this Engl Packet *direct* of my position for their information and Government.

I wrote *Com. Moore*, a few days since,^b informing him, that I thought I should soon know the *final* result, and that I might be down *myself* by the 10th. to the 15th inst. I shall write him again today, but I have not much confidence that either of them will reach him, *and hence* I have not sent *to him* despatches for your Department, but disposed of them through other channels.

^a Hamilton and Burnley.

^b September 30.

My next Communication may be from Vera Cruz, or I may be the bearer of it Myself, if I can find one of your Vessels at my disposal, as *I hope* I may.

Pardon the haste with which I have the Honor to subscribe myself, with

the highest Consideration

Your Mo. obt Servant.

JAMES TREAT.

To the Hon

ABNER S. LIPSCOMB

Secy of State

Texas.

TREAT TO PAKENHAM.^a

TREAT TO PAKENHAM.^b

TREAT TO PAKENHAM.^c

PAKENHAM TO TREAT.^d

PAKENHAM TO TREAT.^e

MOORE TO SAYAS.^f

SAYAS TO MOORE.^g

WRIGHT TO BEE.^h

^a October 10, 1840. See Vitalba to Lamar, December 8, 1840.

^b October 14, 1840 (concerning his mission). See Vitalba to Lamar, December 8, 1840.

^c October 14, 1840 (asking for documents). See Vitalba to Lamar, December 8, 1840.

^d October 14, 1840. See Vitalba to Lamar, December 8, 1840.

^e October 15, 1840. See Vitalba to Lamar, December 8, 1840.

^f October 16, 1840. See Moore to Treat, October 29, 1840.

^g October 17, 1840. See Moore to Treat, October 29, 1840.

^h October 17, 1840. See Amory to Lipscomb (private). November 27, 1840.

TREAT TO LIPSCOMB.

[Copy.^a]

MEXICO, Oct 17th. 1840.

Sir,

I have the honor to inform you that this government, having rejected the proposition for an armistice, I have closed my intercourse with them, and shall leave for Vera Cruz in a few days.

I have the honor to be

Your Very humble Servant

(Signed)

JAMES TREAT.

To the Honl.

A. S. LIPSCOMB

*Secretary of State,
Texas.*

LEPLICHER TO AMORY.^b

WRIGHT TO AMORY.^b

PAKENHAM TO TREAT.^c

TREAT TO LIPSCOMB.^d

[Confidential.]

CITY OF MEXICO October 25th. 1840.

SIR,

My last respects were under date of 17th. inst., very brief, and in *Cypher*, four copies of which are already on their way through distinct channels. My previous communications of 29th. Septh. and 6th. inst., with the various accompanying papers, will have prepared your mind for the *final unsuccessful* result of my Mission.

Ill health and other circumstances have detained me a few days longer than I could have wished, but I shall leave on the 28th. inst., and make the best of my way to N. Orleans, or Galveston, as the case may be, where I trust I shall receive your further instructions for my government.

^a The original, which is written in cipher, is also on file.

^b October 17, 1840. See Amory to Lipscomb, November 27, 1840.

^c October 21, 1840. See Vitalba to Lamar, December 8, 1840.

^d L. S.

The Sad condition of the Country, the weakness of the Gvmt., and their insufficiency, the boldness and threatening Attitude of parties who seek for power, have increased to such a degree that Every thing seems to threaten a dissolution of the present order of things.

A change through the medium of another revolutionary movement is dayly anticipated, the result of which will probably be a *Dictator*, proclaimed by the Army, or a State of Anarchy, which perhaps may be a *still greater evil*.

The Country and Gvmt. never was in So deplorable and critical a State as at the present moment, nor can I foresee what will be the issue of the present fermentation of so many discordant elements, for there has not been wanting a Man of high political Standing, who has been bold enough to advocate, under his own Signature, and in a laboured pamphlet, within the last few days, *A return to a monarchy under A European Prince*.

Notwithstanding this distracted State of things, the Gvmt. have obtained from Congress authority to negotiate a loan of two Millions of Dollars, which will perhaps produce *Nett* 1. or 1¼. Millions.

Two thirds of this amt. is appropriated *exclusively* to the creation of a Navy, and other Expenses incidental to the Campaign against Texas. There is a Contract now being made by the Capitalists here for the Loan, and to furnish the Gvmt., by the 1st. of May next, with the following Vessels—*viz*.

- 2 Steamers
- 1 Corvette
- 2 Brigs
- 2 Schooners
- 4 Gun Boats

the estimated cost of which, and of keeping them in *Active Service* for 8. Months, is fixed at \$1,300,000.

They will have a plausible Excuse for delaying the projected invasion of Texas, *so much talked of here*, while waiting for their *Flotilla*; altho' a better reason *now* exists for not undertaking an expedition, *Viz*: the Employment which Canales and his troops are, at the present time, giving Arista, with all his forces. The former, by a Silent movement with Some 3. or 400 men, took possession of Victoria de Tamaulipas, Capital of that Depart., thus causing great alarm in compelling Arista to return from the frontier, where he was marching *for the second time*, having returned *on the first occasion* on account of the Appearance of the Texian Corvette off the *Brazos*. The troops of Canales left Victoria, and Arista was satisfied with taking possession of the Village, and, *as usual*, issuing a *flaming proclamation*. It is very probable that both Canales and Arista will concentrate their forces, and while the strength of the latter is *numerically* much

the greatest, he has *great respect* for the *Rifles*, of which it is said there are Some 3. or 400. in Canales' division.

The foregoing is as near the position of things as can here be generally known, where the Gvmt. publish what Suits their convenience, and private information, if not intercepted, is Suppressed, from *apprehension of consequences*.

This brief and imperfect Sketch of the State of things *here* must Suffice until I reach either Galveston, or N. Orleans, where I hope to receive the wishes of the President, whether he desires to See me at the Capitol, where I shall be most happy to proceed, and make in person my final Report if, as I earnestly hope, the State of my health will permit. *If not*, I shall not fail to advise the department *immediately*.

Be pleased to present my respects to Gen. Lamar, the President, Judge Burnet, Dr. Starr, and Dr. Archer.

I have the honor to be, Sir, with the highest respect, and great consideration:

Your Most obt and
Verry Hble Servant

JAMES TREAT.

To the Hon.

ABNER S. LIPSCOMB
Secretary of State
Texas.

MOORE TO TREAT.

TEXAS SLOOP OF WAR AUSTIN,
Off Vera Cruz Oct: 29. 1840.

SIR,

I received yesterday a communication from the City of Austin directed to Her Britannic Majesty's Minister at the City of Mexico, which I send on board of an English Brig of War at anchor at Sacrificios together with this.

I have been anxiously expecting to hear from you since yours of the 21st. August, which communication I answered and also wrote you on the 17th. Sept:

On the 3d inst: while at anchor under the Island of Lobos (it blowing then a heavy gale from the North) I discovered a Mexican Brig on the Reef about four miles to the Nd of us, and after very great exertions succeeded in getting a Boat along side of her (but not until after she had been aground *thirty-eight hours*;) and rescu-

ing from a watery grave the Passengers and Crew amounting in all to *twenty-six* persons; who were made comfortable as they could be on board of this Vessel, and in eleven days were landed at Tampico (to which port they were bound) with all their Baggage.

The Brig was the "Segunda Fama" from Vera Cruz loaded with Flour, Coffee and other articles.

I refer you to the Tampico paper of the 17th. inst:

On our arrival off Tampico Bar we were very short of water and as the River was very high, I was getting some outside of the Bar at least two miles from the Fort, when the Boat was fired into, three successive shots passing very near her; this circumstance renders it necessary that I should inform you that agreeably to my instructions, I am fully authorized, in the event of a shot being fired at our Flag, to commence active hostilities, and if your negotiations are broken off in consequence, you will find a Vessel off Point Mariandrea to convey you to Texas, for from this day any Mexican Vessel, that I fall in with, will be captured.

I am Very Respectfully

Your Obt. Servt.

sigd.

E. W. MOORE

Capt; Comdg.

Texas Navy

Mr. JAMES TREAT

City of Mexico.

I send you Copies of a letter from me to the Capt: Genl. at Tampico and his reply in relation to the Brig Segunda Fama.

Yours etc.

Sgd.

E. W. M.

A true Copy,

JAMES W. MOORE

[Duplicate.]

TEXAS SLOOP OF WAR AUSTIN

Off Tampico Bar 16th Oct. '40

SIR,

This will be handed to you by Captain Pablo Alcedan of the Mexican Brig "Segunda Fama" from Vera Cruz bound to Tampico with a Cargo of Flour and Coffee, which Vessel struck on the Reef about four miles North of the Island of Lobos on the night of the 2d. inst. during a violent gale and bilged.

This Ship was at the time, at anchor under the lee of the Island, and the next day, as soon as the Brig was discovered, every effort was made to save the lives of those on board—one of the Boats of this Ship succeeded in getting alongside of her, but not until after she had been aground about *thirty-eight* hours, and it gives me pleasure to inform you that we did succeed in rescuing from a Watery grave every soul, twenty-six in number, who was on board, and also their Baggage.

Captain Pablo Alcedan goes on shore in his own Boat (which has been repaired) manned by men from his own Vessel, for the purpose of procuring a Launch to take the Passengers, and every thing they have saved, together with his own property, on shore; and I give you this my assurance, that any Launch or other Vessel that you may be pleased to permit to come out for that purpose, will not be molested by this Vessel or any one on board of her.

Captain Pablo Alcedan will give you a list of the passengers, and I refer you to him and every other person who was on board of the Brig, as to the mode of treatment which your Countrymen whose misfortune it was to be shipwrecked, and thus to fall into our hands, have received from us, contenting myself by assuring you that they have had since they have been on board of this Vessel every comfort which it was in our power to give them.

I have the honor to be

Very Respectfully

Your Obt Servt.

sigd.

E. W. MOORE

Comdg Texas Navy

Sr Commandante General

Dn JOAQUIN RIVAS SAYAS

Tampico.

A true Copy,

JAMES W. MOORE

COMMANDANCIA GENERAL
DE TAMAULIPAS

El Capitan del Bergantin Megicano 2^a. Fama, D. Pablo Alcedan, ha puesto en mis manos la carta de V. fecha de ayer; y asi por ella como por el relato que me ha hecho el refrido Alcedan, quedo impuesto de la terrible desgracia que sufrieron la tripulacion y pasajeros de dicho buque a las inmediaciones de Ysla de Lobos y de la eficacia, oportunidad y empeño con que V logró salvarlos del naufragio.

Por este motivo y p^a. el generoso comportamiento que V. ha observado abordo de su Buque con las gentes salvadas del Fama asi

como p^r. el buen trato que han recibido doy á V. las mas sinceras gracias y le aseguro mi particular consideracion y reconocimiento.

Dios y Libertad

TAMPICO *Octo. 17. de 1840*

(Sig^d.)

JOAQUIN RIVAS [SAYAS]

Sr. Com^{te}. de la Corbeta de Guerra

TEJANA AUSTIN

The above is a true copy

E. W. MOORE

A true copy

JAMES W. MOORE

PACKENHAM TO TREAT.^a

AMORY TO LIPSCOMB.^b

[Private.]

WASHINGTON *27th Novr. 1840*

HON ABNER S. LIPSCOMB

Sec'y of State of Texas

SIR,

In despatch No. 59 accompanying this, I have alluded to a letter received from an old acquaintance of mine in Mexico (a copy of which I also enclose herewith) and have promised a history of this person on a separate sheet,^c to be kept apart, (as well as the copy of this letter ^d) for private information.

The writer, Juan N Leplicher, is a Frenchman of talent, and education, who was employed by Geo. Antonio Nixon and Archibald Hotchkiss, the former Commis'r and the latter Empresario for the Grants of Vehlein Zavala and Burnet, at Nacogdoches in 1833 for about one year and a half. With these persons he quarreled violently, as well as with many other prominent individuals of Nacogdoches—at one time was attacked by a crowd, and but for the timely assistance of one or two brave men, might have perished. He is of a very irascible temper, and bitterly hated many Texans, for wrongs (he had as he conceived) received, openly avowing his hatred, and finally in 1835 leaving the country. I thought him a man of honor,

^a November 5, 1840. See Vitalba to Lamar, December 8, 1840.

^bA. L. S.; sent with "Despatch No. 59", of the same date. See Correspondence with the United States in Part I.

^cThis letter itself is evidently the "separate sheet" referred to. For additional information concerning Leplicher, see *Quarterly of the Texas State Historical Association*, XI. 186-192, where the name is given as "Leplichier."

^dThat is, the letter from Leplicher.

and still do, (but his enemies blinded as I think by their hostility against him) *profess* to beleive him guilty of all manner of crime. Of his intimacy with Almonte the present Sec'y of War, I am satisfied, as that commenced during his stay in Texas at Nacogdoches—and his account of the influence he possesses with other leaders, I implicitly believe—of his industry, indefatigability, and talent I have had ample proof, as well as of his perfect knowledge of the Spanish language. My interest in a person who was perhaps unfriendly to Texas, at least to many Texans, proceeded from the Conviction that he was a man of honor, which I still cherish.

Reposing however a Governmental trust, of the nature of the one solicited, is a delicate matter; and I think it incumbent in giving my own opinion, to state that of others essentially differing. Of my Judgment you will form your own estimate, and of the propriety of employing this person in any way, you can decide, but in case his offices may be required, with a promise of remuneration only in case of success. I should desire to have the proposition sent through me, in order to bind him more closely to a faithful discharge [of his duty], by a solemn pledge to me personally—who have always befriended him, and I flatter myself [that I] am justified in expecting perfect confidence and frankness on his part.

I shall of course be much gratified to contribute to the attainment of so important an end as the Pacification with Mexico. Awaiting any suggestion you may do me the honor to submit—

I am most respectfully Yours etc

N. AMORY

Secy of Texan Legation

No. 1. Copy of a letter from an individual whose name ^a and history I give on a separate Sheet.

MEXICO Octr 17th 1840

NATHANIEL AMORY Esqr.

Washington,

DEAR FRIEND,

I heard some time ago that you were at the capital of the U States in an official capacity and from that moment had proposed to write by the first opportunity, but having nothing of interest to communicate I had deferred doing so. The departure of Mr Treat and the failure in the object which had brought him here, have induced me to address you and propose my services for the negotiations of the same business. Your acquaintance with my principles I doubt not will ensure your forwarding my views. I was opposed to the Texans so long as I was unacquainted with this people, now I am ready

^a Juan N. Leplicher.

to assist them in obtaining their independence. My acquaintance is extensive with the influential men of both parties here, and if I am instructed to act I may avail myself of a favorable opportunity to obtain a recognition, but let the instructions be clear, the proposal fair, and explicit, without any equivocation, because the thing cannot be discussed, it is too obnoxious to the mass of the people. It should be done by one capable of persuading the Government (either the present ^a invested with extraordinary powers, or the next if it is the federal) to take the step, a bold one indeed, and then the opposition bribe into silence, but bribery is the last thing to be resorted to, and not the first as was done.

If S.^b should ever govern, I can rely upon the assistance of his *Premier* who seems not averse to the Idea of a Recognition but recommends utter silence on the subject, not to awaken the opposition. Should the Federals be successful the leading man is intimate with me and through him, I have always been informed of all their plans; and in the ranks of the present Government, I have one or two men who would serve your cause, although they have the name of being your enemies. Let me hear from you whether my offer be accepted or not. This business must have no influence on our former friendship. Your letters must be directed to me here and not to a Commercial House, and let your style be so ambiguous as not to awaken suspicion.

Excuse my scribbling, for I am quite out of practice, and am forgetting my English fast.

Farwell; and believe me dear friend, affectionately yours.

Copy of a communication From Col. Bee's private agent in Mexico,^c the same source from which several letters of the kind have been received, and copies forwarded which secrecy it is still requested may be maintained

MEXICO Octr 17th 1840

MR N AMORY

Washington

DEAR SIR:

I am happy to inform you that your favor of August 19th came safe to hand last week, in which I learn that Col Bee was in the south on a visit to his family. In said letter I am informed of my despatch of 10th July having been received, from which it appears that my letter of the last of said month ^d had not arrived, in which I give a faint description of the Revolution which occurred in this city between the 15th and 27th. Said Revolution I had long pre-

^a That is, the present government.

^b This probably refers to Santa Anna; and "his *Premier*" was doubtless Almonte.

^c See note c, p. 461.

^d The 27th.

dicted, but owing to the many impediments encountered by the revoltors, I was ashamed that I had written so much upon the subject, lest it should entirely fall through. The object of my Mission to this country being to remit to the Government truths and not unfounded surmises.

I informed the Colonel and the Government of Texas that it was useless to dally with this Government relative to the Recognition of the former. It is true I once thought that a favorable turn was about to take place, and mentioned it in some one of my letters, but my hopes were soon blasted and I gave it as my opinion that all efforts would be fruitless. This opinion I also gave Mr Treat, but he was willing to believe the contrary. The blow on Wednesday was given, the Ultimatum, the final answer of Mexico and that was, "we will have nothing to do, or say directly or indirectly relative to the Recognition of Texas." Mr. Treat will leave in a few days for Vera Cruz and pass thence to Galveston or New Orleans. Let those interested be acquainted with the hostile feelings of the people of this country towards Texas.

The Government of Mexico has affected a loan of six Millions of Dollars, out of which they get one and a half Millions cash, this Million and a half to be appropriated forthwith for the purchase of a fleet and carrying on a war against Texas. Be on the alert if your intentions are to fight on the offensive. Mexico will never be weaker than she is now, owing to her internal disputes. If you procrastinate, you will have to encounter a much greater force on Land than Mexico can now raise but a fleet into the bargain. I am persuaded that Mexico will invade Texas if she is not prevented, and if she is only prevented by a defensive arm she will always keep Texas in a state of agitation. The State of Mechoacan now Guadalajara is nearly in the power of the Federals. The capital of said State Vallidolid, is besieged perhaps taken by this time. Gusman is the Chief of the Revoltors has the mountains for his home and is considered a Robber having to live by depredations

New Mexico I believe is nearly lost, Tobasco has been retaken by Anaya. Some 400 men friends of Canales made an extraordinary march upon a town called Victoria and defeating a Col. of Arista with 300 citizens and Government troops. Arista himself has been dodging about Matamoras with some 2000 under his command and I am enclined to believe he feels uneasy. The Government I believe count some 3500 men with hopes of a reinforcement. Gen Bravo is expected here in a few days, and I learn by a letter of his to a friend which I obtained a view of, he is to take the Presidential Chair, while Bustamente with the troops of this city in all 3000 and those on Rio Grande marches into Texas. This is generally believed to be the movement [on which] 400 went off the other morning, but with all

my vigilance I cannot find out their destination. The federals of this city are still holding meetings, and have made attempts to rise, but were discovered and their plans frustrated. They have lost their day here not in spirit but in power. You are aware that the movements of the country are slow and you have always time. I shall remain here only a few days longer, and then set out for the Rio Grande Country in order to be in the centre of news, as the enemy will be cutting pranks in that quarter and by being among them I shall be enabled from time to time to give information of their proceedings. You will in the meantime please continue to direct to Vera Cruz, as I shall inform the house^a where to send your letters for me.

Please give me any information of a prevalent nature, and request Col Bee to give such Items as he may think proper and useful, as I shall be able to pass through their very camp, having made friends with several of the officers.

My best respects for the Col. and receive my best wishes for your health and prosperity.

VITALBA TO LAMAR.

GALVESTON 8th. December 1840.

SIR,

By the unexpected and lamented death of my companion Mr. Treat, your private and confidential Agent near the Government of Mexico, which happened the 30th. of last month, on board the Schooner of War San Antonio on our passage to this Port, it has become my duty not only to inform Your Excellency of the Sad occurrence, but also to acquaint you with the last correspondence he had during his stay in Vera Cruz; copies of which I now have the honor of forwarding to you, certified by Mr. J. W. Moore, purser of said Schooner, in order that you may be put in possession as quick as possible of all the documents relating to his mission.

It was my intention on my arrival here to have set out immediately for the Capital, but the State of my health which before was delicate, has been sensibly affected by the decease of my friend, which I witnessed, so that I have been compelled to abandon the idea for the present; and this delay while it tends to my recovery, will allow me time to receive here your answer, as also to await your commands, should you deem it expedient for me to present myself there; in order to explain to you verbally every thing relative to Mr. Treats official business; with all which I am intimately acquainted, as of course Your Excellency must be aware.

^a Elliot and Snyder, who transmitted mail to Bee's correspondent. Cf. Confidential correspondent in Mexico to Bryan, December 25, 1839; and Confidential Correspondent in Mexico to Bee, February 5, 1840, in Bee to Secretary of State, April 21, 1840.

I need hardly mention the propriety of keeping Secret the Agency I have had in these affairs, because, should Your Excellency consider my feeble efforts of any utility hereafter, they will probably in that manner be more effectually employed.

Having nothing more of importance to communicate for the present, it only remains for me to condole with your Excellency for the loss of a citizen so interested in the prosperity of the growing Republic, and who with so much ardour, as well as with the Sacrifice of his existence made every possible exertion to obtain the acknowledgement of the Independence of the Republic.

I have the honor to be,

Very Respectfully,

Your Obedient Servant.

JOHN VITALBA

To His Excellency

MIRABEAU B. LAMAR

*President of the
Republic of Texas.*

Statement of copies accompanying this communication.

No. 1—Mr. Treat to R. Pakenham, Oct: 10, 1840.

No. 2 Same to Same 2 Letters “ 14. “

No. 3. R. Pakenham to J. Treat and accomp. papers—Sept: 29, 1840.

No. 4—Same to Same—2 Letters 14 and 15 Oct. 1840

No. 5—Same to Same 21. Oct: 1840

No. 6—Same to Same 5 Nov. 1840

No. 7—J. Treat to E. W. Moore and accomp. copy 6 Oct: 1840.

No. 8 E. W. Moore to J. Treat and accomp. papers. 29 Oct: 1840.

No. 9 J. Treat to A S. Lipscomb Oct: 25. 1840.*

N. B. Having thought proper not to be known whilst in this place, by my proper name, I have assumed the name of John Sola, by which name your Excellency will please address me, should you address any communication to me whilst here.

Very respectfully etc.

JOHN SOLA.

MEXICO, *October 10th. 1840.*

SIR:

Having closed my mission and about to retire from the country, where all my efforts to bring about a friendly understanding between

* All the inclosures here enumerated follow except Moore to Treat, October 29, 1840, which is given in the Correspondence with Yucatán; and Treat to Lipscomb, October 25, 1840, which is given in its place as an independent letter.

the Government of Mexico and that of Texas, have proved of no avail; as you Sir, are fully aware, I cannot permit myself to leave the Capital, without expressing to you, how much the President and People of Texas are indebted for your prompt, kind and friendly interposition, in behalf of the pacific objects involved in my mission to this Government, and to assure you that your efforts and exertions to induce this Government to listen to the friendly overtures prepared for their consideration, are duly appreciated and will long be held in grateful remembrance by a Government and people, whose intelligence and philanthropy induced them to seek a peace even at a great sacrifice; but this being once, *deliberately rejected*, and with disdain, by the Mother Country, it remains *now* for the Chivalry of Texas to respond to Mexico, *whenever* the interests and honor of the Country require a resort to arms.

For myself *individually*, I cannot find language to express my obligations for your kind attentions and the personal considerations, with which, I have been so uniformly received and treated.

In closing my Communication, I beg leave to present to you, my best wishes, for your continued health and happiness, through life.

I am, my dear Sir, with sentiments of high regard, and most cordially, and respectfully,

Your friend and servant;

Sigd J. TREAT

To

RICHARD PAKENHAM Esq.

H. B. Ms. Minister Plenipotentiary

Mexico.

CITY OF MEXICO, *October 14th. 1840.*

SIR:

As the Confidential Agent of the Government of the Republic of Texas, I am instructed by the President, that, in the event of withdrawing from my mission to this Government, without effecting any of the pacific objects contemplated by my instructions, to make known to H. B. Ms. Minister Plenipotentiary, in Mexico; "that should the Government of Texas be constrained to change its position, and Commence offensive operations, it will not be with a view of extending its Territory beyond the Rio Grande; and any occupation or Military movement, west of that River, will be temporary, and solely with the view of forcing the enemy to make peace."

In fulfilling this duty I avail myself of the opportunity to express the high regard and consideration with which, I am Sir,

Your Most Obedient
and Very Humble Servt.

Sigd J. TREAT

To

RICHARD PAKENHAM Esq.

*H. B. Ms. Minister Plenipotentiary
Mexico.*

CITY OF MEXICO, *October 14th. 1842.*

SIR:

Inasmuch as the Secretary of State declined furnishing me, with any document, touching the objects of my Mission to this Government; but made an official Communication to you on the subject, may I take the liberty to beg of you the favour (if not inconsistent with propriety) of a copy of said communication from Mr. Carredo,^a and also a copy of your written Memorandum of the Acting Secretary of State's verbal reply, in relation to the proposals for an Armistice, given on the 13th Inst:

These papers cannot fail to be of interest to the Government of Texas, under the circumstances of the case, and from the manner in which my negotiations have been conducted.

With regret for any inconvenience the fulfilment of these requests may give you, I have the honor to be, Sir, with great respect and consideration,

Your Most obt. Servant,

Sigd J. TREAT.

To

RICHARD PAKENHAM Esq.

*H. B. Ms. Minister Plenipotentiary.
Mexico.*

MEXICO *29th. Sept. 1840.*

SIR,

I have the honor herewith to enclose to you a copy of a Note which I have received from the Minister for Foreign Affairs, in answer to a letter which I addressed to His Excellency on the 22d. Inst, enclosing the memorandum which you put into my hands on the day preceding, requesting to be furnished with a Passport to withdraw from Mexico, and also expressing your desire to receive from the Government an official communication detailing the origin, progress and termination of your Mission to this country.

^a Cañedo.

The Passport issued in conformity with your request accompanied Señor Cañedo's note; but you will perceive that he declines to enter into the explanation solicited by you respecting the transactions connected with your Mission, the fruitless issue of which he attributes to your not having confined your propositions to the basis originally put forth by this Government, viz: "That Mexico would not consent to relinquish the sovereignty of the Territory of Texas."

It is true that in Señor Cañedo's letter of the 11th. Decr. 1839, a copy of which I transmitted at the time to Gen. Hamilton, and of the contents of which you are also informed, the non-alienation of sovereignty was stated to be an indispensable condition to any arrangement; but it is no less true that the introductory propositions, presented by you on the 23rd. March last, went directly to solicit the recognition of the independence of Texas, with such boundaries as might hereafter be agreed upon—that this proposition, so far from having been at once rejected by the Mexican Government as inadmissible, was referred to the Council of State, where the whole question with regard to Texas was made the subject of more than one anxious discussion—and finally that in conformity with the resolution of the Council the correspondence which had passed between Señor Cañedo and myself, relative to your Mission and the propositions presented by you, were submitted to the consideration of the Congress, where, however, the matter appears to have remained altogether unnoticed.

It is therefore certain that the propositions submitted by you, although not confined to the basis originally announced by Señor Cañedo, were to all intents and purposes entertained by the Executive branch of the Government, and not, as Señor Cañedo would wish to have it inferred, rejected *in limine* because they went beyond the basis at first propounded by the Mexican Government.

The above explanation will, I trust, serve in some degree to answer the purpose of the official communication which you wished to obtain from Señor Cañedo: but I think it necessary to observe to you that, as my intercourse with the Government relative to your Mission has been all along of a confidential character, I should not feel at liberty to furnish you with the present statement, differing, as it does, in some respects from that conveyed by Señor Cañedo's note, except for your private satisfaction, and with the understanding that it is not to be made use of in any manner likely to occasion inconvenience to the Government of Mexico.

I sincerely deplore the unsuccessful result of a mission which has been conducted with so much zeal and discretion, and with such remarkable patience and perseverance on your part.

It may be hoped that at some future, and perhaps not distant period a state of things will prevail in this Country more favourable to the

accomplishment of the object which every well wisher to Mexico and to Texas must desire to see effected; and with this expectation I beg leave to assure you of my continued readiness to attend to any communications which the authorities of Texas may be pleased to address to me with relation to that object, and of my earnest desire to be able to contribute to the establishment of a friendly understanding between the two Countries.

I have the honor to be, with great regard,

Sir,

Your Most Obedient

Humble Servant

Sigd.

R. PAKENHAM

JAMES TREAT Esq.

etc. etc. etc.

A true Copy

JAMES W. MOORE

[Copia.]

CONVENTO DE SAN AUGUSTIN

Mexico Setre. 26 de 1840.

El Infrascrito etc. tiene el honor de acusar el recibo de la Nota confidencial que el Sor. Don Ricardo Pakenham le ha dirigido en 22 del actual acompañada de un memorandum en que el Agente Texano pide su Pasaporte y espresa su deseo de recibir una comunicacion que refiera el origen, progreso, y termino que ha tenido la mision con que vino á esta capital.

De ambos documentos ha dado cuenta el Infrascrito al Exmo Señor Presidente de la Republica, quien ha dispuesto se espide el Pasaporte que en efecto encontrará adjunto el Senor Ministro de S. M. B., y en cuanto a la comunicacion solicitada, haga uns total referencia al contenido della corespondencia que ha mediado con el propio Señor Ministro, puesto que ella esclarece bastante que nada ha podido obrarse en el negocio por no haberse arraglado el Agente de los Texanos á la base indispensable bajo la cual el Gobierno acordó oir sus proposiciones, que como recordara mui bien S. E. el Señor Pakenham fue la de que no habia de desistir de la Soberania Nacional de aquel Departamento.

El Infrascrito reitera con gusto etc.

(Firmado,)

JUAN DE D. CAÑEO.

A. S. E. el Señor

DON RICARDO PAKENHAM

etc. etc. etc.

A true Copy.

JAMES W. MOORE

MEXICO 14 October 1840

DEAR SIR,

I have to acknowledge the receipt of your most obliging letter of the 10th. Inst. wherein you are so good as to express your sense of my exertions in favor of the pacifick objects of the Mission on which you have been employed in this Country.

Much as I regret the failure of our joint labours to bring about a friendly understanding between Texas and Mexico, I request you to be assured that I shall at all times retain an agreeable recollection of our intercourse while engaged in the prosecution of that object,—and altho' you cannot but view with a still greater degree of disappointment the result of which has attended so many months of anxious and persevering exertion on your part, allow me to record my humble opinion that every thing that zeal and ability could suggest as likely to lead to a favourable issue has been done by you in the execution of your Commission, and accordingly that you may enjoy the satisfaction of reflecting that if you have not succeeded it has been because success, under existing circumstances, was impossible.

With great esteem and regard, and with best wishes for your health and happiness,

I remain,

My dear Sir,

Yours faithfully,

Sigd.

R PAKENHAM,

JAMES TREAT, ESQ.

A true copy.

JAMES W. MOORE.

MEXICO 15 October 1840

SIR,

I regret to have to acquaint you that upon communicating with the Mexican Government upon the subject of an Armistice an arrangement to which you considered yourself authorized by your Instructions to Subscribe; on the part of the authorities of Texas, I see no prospects of their agreeing to a transaction of that kind upon terms approaching to those which you would be willing to accede to.

The Acting Minister of Foreign Affairs informed me yesterday, that this Government can entertain no proposals for an Armistice which shall not be presented with the previous sanction of the Texian authorities; and that, in no case, can they consent to a provisional line of demarcation to the Southard, or on this side, of the River of San Antonio.

I have therefore reluctantly come to the opinion that, under present circumstances, nothing would be gained by further overtures to the Mexican Government upon this subject.

I have the honor to be,

Sir,

Your Most Obedient

Humble Servant

Sigd.

R. PAKENHAM.

JAMES TREAT, Esq.

A true Copy,

JAMES W. MOORE.

MEXICO, 21st. October, 1840

SIR,

I have the honor to acknowledge the receipt of your letter dated the 14th. Inst., by which, in fulfilment of the instructions under which you act, you are so good as to make known to me "that should the Government of Texas be constrained to change its position, and commence offensive operations, it will not be with a view to extending its Territory beyond the Rio Grande, and any occupation or Military Movement west of that River will be temporary, and solely with the view of forcing the enemy to make peace."

I will take the earliest opportunity to communicate this declaration to Her Majesty's Government, who, I doubt not will fully appreciate the sentiments by which it has been dictated.

I have the honor to be with great respect,

Sir,

Your Most Obedient

Humble Servant

Sigd.

R. PAKENHAM

JAMES TREAT Esq.

A true Copy

JAMES W. MOORE

MEXICO 5 Novr. 1840.

MY DEAR SIR,

I was much vexed by the disappointment which occurred about your escort. I hope you will have reached your journey's end without a repetition of the same annoyances.

The enclosed Desps. arrived by the Post of Monday last. I might have sent them by the Post of the day before yesterday, to find you at Jalapa, but I thought there might be some risk of your not receiving them, and accordingly determined to consign them direct to Vera Cruz.

I have written to Mr. Giffard in the sense we agreed upon, and I inclose a letter of introduction to Captain Frazer of H. M's. Ship

"Sappho" in case you should require his assistance, in effecting your embarkation.

There is no news here worth repeating to you,—but I was exceedingly glad to hear, the other day, from Dr. Jeeker, that he is quite satisfied about the state of your lungs. In fact he says that as far as your lungs are concerned you may live a thousand years. I mention this because, altho' he may have said the same to you, patients sometimes do not place as much confidence in what Doctor's say to them about their case, as in what they say to a third party. I have no doubt that you will have found great benefit to your general health by the change to a Milder Climate.

Do not forget your promise to write to me from time to time, and above all things recollect that I consider my Commission still open to be the medium of conveying any fresh pacific overtures which it may be thought advisable to make to the Mexican Govt.

My firm conviction is that you wd. gain nothing by attacking or insulting the Mexicans, but on the contrary bring down great mischief upon yourselves. You may be quite sure that if you do not molest them it will be a long time before they think of attacking you, and meanwhile you will be acquiring strength instead of wasting it, as would be the case if you brought about a state of active hostilities.

This conviction induced me to write to Genl. Hamilton in Dec.^a last to the following effect.

"I admit that the present condition of Mexico is not the most favorable for the recommencement of offensive operations against Texas, upon a scale likely to lead to important results, but I am also strongly of opinion that an attack upon any part of the National Territory by a Foreign force would not fail to rouse the latent energies of the Country and induce the Mexicans to submit to extraordinary sacrifices in undertaking measures of retaliation, and thus give rise to a state of things far more likely to retard than to accelerate the establishment of friendly relations between the two Countries."

This advice I now repeat to you as the friend and well-wisher of Texas, and if you should incline to the same opinion I trust that you will be able to make it prevail in the proper quarter.

Goodbye, my dear Sir, Believe me, with best wishes,

Yours always

Very Sincerely

(Sigd.)

R PAKENHAM

JAMES TREAT Esq.

A true Copy

JAMES W. MOORE

^a The 12th. See the letter inclosed in Hamilton to Burnet, January 5, 1840, in Correspondence with Great Britain.

[Confidential.]

CITY OF MEXICO, *October 6th. 1840.*

SIR,

Enclosed, please find Copy of my communication of 31st.^a Ulto. which I have endeavoured to get to you, or some one of your vessels, by every effort and precaution in my power to make *from this place*.

Whether I shall succeed or not remains to be seen. If you get it *at all*, it will probably be *to day*.

I send this down to Vera Cruz to avail of any oppty. that *may* present itself to send out to You, for I have been disappointed in using for this purpose the *English Packet*, as I expected I should be able to do when I last wrote you.

The Packet was to have sailed from Vera Cruz this day, but has been postponed until the 9th. inst, in consequence of a misunderstanding between Mr. Pakenham and this Govmt. Mr. P. being compelled to demand his passports, and after several days detention of the *Packet's Courier*, and negotiation, the matter has been settled to the satisfaction of Mr. Pakenham.

This *quasi* blow up with Mr. P. has cost me a *week's lost time*, but I *begin* again to *morrow* and shall know in a *very few days* how the *Land lies*, and if, as I anticipate, nothing be done, I shall leave *instantly* for the Coast and endeavour to find you, or one of your Vessels, if at hand Without any thing further of interest at present,

I Remain very Cordially and Respectfully,

Your Obedient Servant,

Sigd.

JAMES TREAT

To Com: E. W. MOORE

*Comdg. of Texan Squadron
Gulf of Mexo.*

A true copy,

JAMES W. MOORE

[Confidential.]

MEXICO *September 30th. 1840.*

SIR,

Your two favours of 25th. Augt. and 17th. Sept. were placed in my hands on the 20th inst. having come up by the *British Cabinet Courier*; their contents have been duly examined, and I am much indebted to you for the details of your movements, and the proffered service of one of your Vessels, to receive further communications from me. I am also much gratified that you found it convenient to despatch thus *promptly* the *San Jacinto* with my communications to Govmt. Should she return and rejoin you, I trust we shall both receive fresh advices

^a Inadvertently written for 30th. See inclosed copy referred to.

from Govmt. which, *to me*, will be very gratifying, as my latest dates are 15th. June.^a

I notice the assurances you give me that no Molestation had been offered to any Mexican Vessel or property by the Squadron, which I have no doubt are entirely correct. But the Govmt. here have information of several cases of annoyance, which they affect to believe, or perhaps *really* think correct, as they are in two instances backed by declarations made by the sufferers before the Captain of the port of Vera Cruz. I will state these cases, as I feel satisfied you can disprove them.

The Vessel called *Amalia*, Cap. *Tomas Nardis*, sailed from Tuxpain on the 8th. Augt. and arrived at Va. Cruz on the 11th. This Captain declares that on the 9th. or 10th. of same month he saw a Schooner at anchor near the shore, about 8 leagues to the Northward of Va. Cruz; that on seeing her (the Mexican) the said Schooner got underway and chased under Mexican flag; on coming up, the flag was changed for the Texan, the Mexican boarded, and from her taken some 200 or 300 lbs. of brown sugar, a demijohn of Brandy, and some vegetables, and that asking if they had *any money* on board the Schooner left them. The Schooner *Idelo* was chased at the same time, but not boarded.

A recent account which has been sent up to Govmt. states that one of of the Texan Vessels took from a fisherman *all his fish*, and gave him as compensation a *five Dollar Treasury Note of Texas*, which has been sent up to Govmt. Another statement is that your crews have landed on the coast several times and taken off cattle *without compensation*.

Of course there are many other rumours not worth repeating, but those above named seem to be credited by the Govmt. and the two first stated being *official*, they have a right to assume, that they are true, until disproven.

I mention these matters more for your own information or govmt. than because they are of any importance to me here, as I am situated now, but if I had a statement disproving or denying these facts from an *official* or *responsible source*, I should certainly lay it before the Government.

I notice that you will continue to keep a Vessel at the place named, to receive my communications, which will be a great convenience in every way. I also notice what you say about using the waters of Mexico for your Vessels, and concur with you in your remarks, under existing circumstances.

I have not written you until now, as no oppty. has presented to send out my letter, and because I have been expecting my mission would terminate *promptly*, ever since the date of my last. The Govmt.

^a Probably incorrectly copied for the 13th.

have now refused *en toto* the conditions I had so long since placed before them for *Peace* and *Recognition*; and I am now discussing with them the project of an *Armistice*, and have agreed to wait *one week* for the result. I have but very little expectation that we shall agree on anything; but I will apprise you of the result the moment the parties come to a conclusion.

I have insisted on my Passport, and it has been granted this day, notwithstanding the question of *Armistice* is pending, and I have agreed to wait a week for the result.

The Secretary of State will resign in a day or two, but whether his place will be filled *ad interim* by one of the other Secretaries, or a permanent appointment be made, I cannot say.

I shall lose no time in reaching Va. Cruz as soon as I close up here, and without delay join your ship, or the Schooner, at the place appointed, *if there*; if not, shall make the best of my way to N. Orleans, by Havana, or the shortest route within my *reach*.

I send this down to Va. Cruz, to go out to you by the Am. Packet Ann Louise. If an arrangement *can be made*, and if you receive it, look out for the English Packet, to sail from Vera Cruz the *same*, or *the next day*, where you *may*, and probably *will* find another communication from me, and perhaps despatches for Govt. If any opportunity offers, send a copy of this to Govt., as its contents will be of interest, and may reach them *before* my own despatches.

I remain Very respectfully and cordially,

Yours etc.

Sigd. J. TREAT

To

Com: E. W. MOORE
Tewn. Squadron
etc, etc:

A true Copy.

JAMES W. MOORE

WRIGHT TO LAMAR.^a

CITY OF ORLEANS *March 18th. 1841*

HONOURABLE AND RESPECTED SIR

I have the honor of informing you that I have just arrived from the Pacific by way of the City of Mexico, in which Republic I have been Remaining for the last two years in order to gather every information of our common enemy (Mexico) Relative to the good or evil of Texas.

From time to time I Remitted to Texas and to Col Bee, of what I knew. At present Mexico is very low in the mouth. Though she

^a A. L. S.

has realized one million five hundred thousand dollars out of the Late five million Loan, they will be unable to accomplish nothing though ever so willing. You have no doubt some knowledge of the manner that the Mexicans manuver. Those Gentlemen at the Heads of departments make a great hugh and Cry when Low in pocket, that money and an army must be Raised to go against Texas. But so soon as they have this money secured, they hush up apply the money to other purposes, generally to the agrandizement of themselves or party. So I expect it will be with the present Loan obtained. When I Left Mexico nothing was said of an expedition to Texas. Nothing said Relative to their Fleet. In Guadalajara I found nothing doing, in Guanajato, Queretero, St. Luis Potosi Durango and Zacatecas. Do.^a General Arista was pursuing some 300 Camanches who had penetrated far down into the Country laying waste every thing in their way, having taken many Mexican woman and children prisoners And having killed several hundred Mexicans.

The despatches from the San Bernard had not reached Mexico, [but] had I think Reached Vera Cruz. Mexico I think will not Recognise Texas to the very last extreme. I am afraid she will be too proud. Some fears must always be kept up by the Texians on the frontiers, as they May Like the Camanches some day do mischief on the settlements. Texas must Never sleep, must never believe a Smoth and fair tale, be always on the Alert, And teach the Mexicans to fear for they Can't love nor be true.

Although I have made these Last Remarks, I would not be understood that the Mexicans were at present Like to commit hostilities on the outposts, in strowling parties, but that it must be the duty of the Texian Government to provide against such hostilities, which I think will likely take place if not soon, at some later period.

I am Dear Sir with much Respect

Your humble Servant,

A. S. WRIGHT.

[Next follows a long note which has been published.^b]

MAYFIELD TO WEBB.^c

DEPARTMENT OF STATE

Austin 22d. March 1841.

HON. JAMES WEBB.

SIR.

The President having appointed you Minister Plenipotentiary for the Republic of Texas to the Republic of Mexico, I have the Honor

^a Ditto.

^b See Calendar.

^c L. S.

to hand you herewith your Commission and Credentials as such, and to inform you, that you will find prepared for you at Galveston, under instructions from the Secretary of War and Navy, one of the Public Armed Vessels, to take you and your suite to Vera Cruz, or such other port on the Coast of Mexico, as you may select for your debarkation.

By a Convention entered into between Lord Palmerston and Gen. Hamilton on the 14th day of Novr. last, (a certified copy of which, with its ratification is furnished you,) you will perceive that her Brittannic Majesty's Government has offered its interposition and Mediation in the settlement of the differences existing between this Country and Mexico, and the primary object of your Mission is to open and conduct such negotiations under the auspicious influences of that Mediation as it is hoped, will lead to the establishment of a permanent peace. You will therefore advise freely with the Hon. Mr Packenham Her Britannic Majestys Minister at Mexico, as to the preliminary measures, you may find it necessary to adopt, and after consultation, pursue such plans, as may appear most advisable for the attainment of the objects you have in view, not departing from the spirit of your general instructions.

Upon your reaching the Mexican Coast, you will make known to the Commandant of the place, at which you shall seek to land, through such channel, as you find most convenient, the objects of your mission, and if you are not immediately furnished by him with the necessary safe conducts and passports for the city of Mexico, you will adopt such measures as you may deem most advisable for communicating with Mr Packenham with the view of ascertaining through him, whether or not you will be received and accredited as the agent of this Government for the Purpose of entering into negotiations contemplated by the convention to which I have refer'd you; and in the mean time, you will remain in Port, if permitted to do so untill you receive answers to your despatches. Otherwise you will proceed to some more friendly port where you will remain untill such time as you may expect replies from Mr Packenham.

The Vessel which will take you down will be entirely under your Control and direction as regards her movements untill you shall have finally discharged her from this service. You will therefore at all times freely give such instructions to the Officer who will be in Command of her, as you may deem best for your purposes and under such instructions he will take you from place to place as circumstances may require.

Should negotiations be opened with the Authorities of Mexico, you will consider the letter addressed by the Department to the Hon. Barnard. E. Bee, under date of February 20th 1839 as the basis of the instructions under which you will conduct those negotiations, ex-

cept so far as the same is Modified by the Convention with England and by specific points of instruction hereinafter contained.

It has suggested itself to the President that in your discussions respecting boundary. embarrassments may arise which will be difficult to adjust growing out of the locality of the harbor known as the Brasos Santiago and its importance to the Rio Grande, as being the only convenient shipping port for the commerce of that River. This harbour is entirely within the limits of Texas, as defined by the act of Congress of 19th Dec 1836, and as nothing less than those limits can be accepted for our boundary, you may find this, the most difficult point of adjustment which will be presented in your negotiations. It is certainly not to be expected that Mexico will willingly yield the entire control of a port, so essential to the existence of all commercial advantages which she may expect to derive from the Navigation of the Rio Grande, and this consideration may prevent their conceding to us that River, as the proper boundary between the two countries, when no other would be deemed of sufficient importance to be pertinaciously insisted upon. It is certainly desirable that we should possess the entire and exclusive Control over all the harbours and waters within our acknowledged limits and it is expected that you will urge the right to the exercise of such exclusive Control over the harbor of the Brasos Santiago so long as you can do so, without jeopardizing your whole negotiations. This however must be avoided if it can be done by a reasonable and fair compromise of the question, for the establishment of Peace with Mexico is at this time a matter of too much importance to the Prosperity of Texas, to permit us to insist upon points, which would defeat it, when those points do not involve the honour or integrity of the Nation, or the yielding of any essential right. I am therefore instructed by the President to say to you, that should Mexico claim the right to the free use of the Brasos Santiago as a *Sine qua non* to a treaty of peace and recognition, you are at liberty to concede it, so far as to stipulate that she shall have the free right to enter it with her vessels and commerce at all times and as freely depart from it, without being subject to any of the rules or restrictions which may be adopted by this Government for the regulation of its own commerce and that she shall also be entitled to some convenient position upon it, as a place for deposit for her Merchandises and produce, and to a free transit across the land for such Merchandises and produce to the most convenient point for shipment upon the Rio Grande: and that these privileges shall be continued to her as long as the country bordering on the Western Bank of the River shall remain under the Control of, and belong to her Government, but should that Country either by treaty with a foreign power, or by other means pass into the hands [of another nation] and be no longer under the Control of her authorities, such stipulation is to

cease, and all future regulations upon the subject will be considered as open to negotiation with the power that may then claim the joint right with Texas to Navigate the River. As the continuance of uninterrupted harmony between the two Countries will be of vast importance to both, should their present difficulties be adjusted, you may for the purpose of shewing our desire to promote it, stipulate that this Government will hereafter by the rigid enforcement of its laws, prevent as far as possible all encroachments by its citizens upon the Mexican Territory, and all interference on their part in her domestic affairs, or in any internal difficulties which may arise between the Mexican States or any of the citizens thereof.

It is not considered necessary in this communication to advert in detail to the various points which should be embraced in a treaty, either of peace and recognition, or of Commerce with Mexico. You are intimately acquainted with the condition of the Country and what is essential to its prosperity, and the President relying upon your judgment and discretion in conducting the negotiation, most cheerfully confides to you its details under the fullest assurance that the honor interests and character of Texas will be maintained by you, and will be safely preserved in your hands.

If after the commencement of your negotiations, you shall find a disposition manifested by those with whom you are treating to protract them for the purposes of delay, without exhibiting a serious inclination for adjustment, you will at any moment be at liberty to bring them to a close and return home and will not be required to wait for special permission to do so from this Department. This however must be left entirely to the exercise of a sound discretion, which while it will dictate the propriety of putting an end to useless and unmeaning discussions that can result in no benefit will equally suggest to you the impropriety of urging with intemperate haste and pertinacity matters, which you deem essential, and which you may by mildness and forbearance ultimately succeed in attaining.

If you are not permitted to open negotiations with the Government of Mexico, or having opened them, should find it necessary to discontinue them, without any beneficial results, you will after notifying this Government of the fact be at liberty, to return by the way of Yucatan and ascertain what part the Government of that country would be willing to take in a war which Texas might be compelled to wage against Mexico. In doing this however it is only expected that you will sound the people of Yucatan on the subject as you are not furnished with authority to enter into any treaty stipulations, but you may suggest to the authorities the propriety of their sending an agent to this Government with full powers to treat and you may give them assurances of our friendship and willingness to receive such an agent. In conducting negotiations of so much delicacy and

importance as those with which you are charged to the Government of Mexico, to a final and satisfactory conclusion, the President is aware that a control of funds beyond what is allowed for your salary and outfit may be essential to you. He has therefore given me instructions to furnish you with Authority to draw either directly upon this Government, or through our loan Commissioners, for any sum not exceeding fifty thousand dollars, which you may deem necessary, but it is expected that this right to draw for funds will not be exercised except you find it absolutely essential to your success.

In this however, as in most other things connected with your Mission, your own discretion must be the guide for your Conduct, as your well known character for honor and probity is with him a sufficient guarantee that his confidence in its exercise will not have been misplaced.

Wishing you full success in the accomplishment of the Arduous duties you have undertaken and a safe return to your Country and friends,

I have the honor to remain
with high respect
Your Obt. Servt.

J. S. MAYFIELD.

Documents furnished Judge Webb Commissions as Minister Plenipotentiary and Envoy Extraordinary, and as Agent to Mexico, credentials as each, same as credentials to Col Bee 1839.^a

Copy of Treaty with Santa Anna.^b

Copy of Instructions to Col Bee as agent to Mexico 1839^c

Extract of instructions to Jas Treat Esq^d

Secret Joint Resolution, relative to Mexico^e

Secret Resolution of Senate, Jany 4.

Authority to draw on Hamilton and Burnley^f

2 copies of convention with England^g

Act to define Boundaries of Texas.^h

Letter of credence to Mr. Pakenhamⁱ

^a These commissions and letters of credence have not been found. Their contents, however, can be sufficiently inferred from a comparison of the summaries which were given of like documents issued to Bee, February 20, 1839.

^b The secret treaty signed May 14, 1836. See *House Journal*, 1st Tex. Cong., 1st sess., p. 25; *Niles' Register*, LXIX, 98.

^c See Webb to Bee, February 20, 1839.

^d The instructions were contained in Burnet to Treat, August 9, 1839, and same to same, August 19, 1839. What extracts were made for Webb cannot here be stated.

^e See note *a.*, p. 882.

^f Document dated March 30, 1841.

^g See Gammel, *Laws of Texas*, II, 886-887.

^h *Ibid.*, I, 1193-1194.

ⁱ Mayfield to Pakenham, March 30, 1841.

MAYFIELD TO PAKENHAM.^a

[Asking credence of Pakenham, as the representative of the British Government which has entered into treaty with Texas to act as mediator between Texas and Mexico, for James Webb, envoy extraordinary and minister plenipotentiary from Texas to Mexico.]

ARISTA TO LAMAR.^bWEBB TO MORA.^cMORA TO WEBB.^cWEBB TO PAKENHAM.^dLAMAR TO INHABITANTS OF NEW MEXICO EAST OF THE RIO GRANDE.^eCAMACHO TO PAKENHAM.^fPAKENHAM TO WEBB.^gPAKENHAM TO MAYFIELD.^gROBERTS TO COOKE AND OTHERS.^h

DEPARTMENT OF STATE
City of Austin June 15th 1841

GENTLEMEN.

Herewith you will receive a commission appointing you commissioners on the part of the Government, to accompany the Military expedition about to depart for Santa fé, and of which you will have the chief directions.

^a March 30, 1841.

^b April 21, 1841. See Calendar.

^c May 31, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.

^d June 1, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.

^e June 5, 1841. See Calendar.

^f June 8, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.

^g June 10, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.

^h See Records of Department of State (Texas). Book 38, pp. 185-188.

This expedition has been organized by the President for the purpose of opening a communication with that portion of the Republic known as Santa fé, and of closely uniting it with the rest of the Republic, so that the Supremacy of our constitution and laws may be asserted equally over the entire tract of country embraced within our limits; but as that portion is inhabited by a people strangers to our institutions and to our system of Government, speaking a different language, and deriving their origin from an alien source, whose religion, laws, manners and customs, all differ so widely from our own, the greatest circumspection will be necessary, in making known to that people the object of your mission, on your first arrival at Santa fé and subsequently in conducting your intercourse with them.

The great object of the President is to attach the people of the District of Santa fé to our system of Government, to create in their minds a reverence for our Constitution, and to spread among them, a spirit of Liberty and independence, which will alone qualify them for good citizens, under a Government, the very existence of which, depends upon the will of the people.

To this end you cannot exercise too much caution in the conduct, conversation, and general deportment, not only of yourselves, but of the military command which accompanies you. That you will meet with narrow prejudices in the minds of some, and stubborn opposition from others, is not unlikely. It is even to be expected. But it is believed that patience and forbearance on the part of the commissioners, and an uniform gentleness of behaviour, will conciliate at first their good will, and afterwards secure their confidence and esteem, more effectually than any other mode that could be adopted. Upon this head of your instructions, much more might be said; but from the complete knowledge which you possess of the views of the President, and from the very great confidence which he reposes in your wisdom and discretion, it is deemed unnecessary.

Upon entering the city of Santa fe, your first object will be, to endeavour to get into your hands all the public property. You will in all probability find this the most delicate and difficult of all your duties, to perform. Should those intrusted with the care of public property, hesitate or refuse to comply with your demand of possession, you will try all gentle means before resorting to force. Persuasion and argument are sometimes as powerful as the sword, and it becomes us to avoid, if possible, the shedding of blood. The People of Santa fe are our fellow citizens; and it cannot be long before they will be fully incorporated with us, partaking of all the advantages and benefits which we enjoy, under our form of government. Thus there is a double motive presented for persuasive and conciliatory measures. If they can be brought with their own free

will and consent, to submit quietly and cheerfully to an incorporation with us, acknowledging themselves a constituent portion of the Republic, and setting into operation our constitution and laws, then may we confidently expect of them, fidelity and patriotism; but if they are awed into submission by threats, or still worse if they are driven to it by the application of Military power, the disastrous consequences that must inevitably follow, cannot well be foreseen. Too much care therefore, cannot be used in this first step. The mode of effecting this portion of your duty, must of necessity be left mainly with yourselves. Difficulties and emergencies will arise which cannot be anticipated, and upon which therefore, no specific instructions can be given. Some of the arguments however, which you will urge upon their consideration are these. First—You will assure them of the protection of the Government in the enjoyment of life, Liberty, and property, of the trial by Jury, of their entire freedom from all forced loans, and from all taxes levied without their consent, of the liberty of speech and press, of religious toleration, and in short of all the political privileges contained in the Bill of Rights and constitution. On the other hand you will place before their eyes, the folly of offering resistance when it cannot possibly avail them. Contrast Mexico—feeble, distracted, and continually torn by civil wars and Revolutionary movements—with a load of debt, and no means of paying—with the advantages enjoyed by Texas. Tell them of the great increase in our population since the Revolution. Show them the limits of the country upon the map, and tell them with these limits published to the world, we have obtained the acknowledgement of our Independence by the United States, England, France, Belgium and Holland, and assure them of the unalterable determination of this Government to assert and maintain its Jurisdiction over every inch of its soil, and of its ability too, to carry its resolve into execution. In making known this determination of the Government, you should be particularly careful, not to rouse the jealous pride of the people; and to avoid this, you must keep constantly before their minds the fact that they are invited to share equally with us all the political rights which we ourselves enjoy. It is believed in fact, that this is the hinge, upon which the success of your negotiations will turn. Let them be convinced, that the equality which we promise is not imaginary. Let them feel and understand, that they are really to be freeman, that they are to be citizens of a Republic, in whose Government the voice of each one of them will be as potent as that of the highest in our land, that their representation in our Legislature will be in proportion to their numbers, which will insure to them an equal participation in the making of laws for the future, and of repealing such as are now in force, and which may be ob-

noxious. Besides these, many other arguments of a similar nature will readily suggest themselves, all of which should be studiously arranged, to aid you in the accomplishment of your object.

In case all obstacles are overcome, you will after taking possession of the Custom-House, books, money, archives, etc. appoint such persons to conduct the public business, as in your discretion you may think proper, except such officers as may be appointed by the President prior to your departure from this city. In making these appointments, the President instructs me to say, that you will restrict yourselves to the citizens of Santa fé. To appoint our own citizens to fill the public offices among them would excite in their minds distrust and opposition at the very outset, which would soon turn to bitter hate and open revolt. Whereas, if the appointments are confined to their own citizens, and skillfully managed, it is believed that they may be turned greatly to the advantage of the Government—an opportunity to promote the public interest, which it is confidently expected, will not be overlooked.

If after you have arrived there, and made yourselves familiar with the condition of the country, the character of its inhabitants etc. you think it advisable, taking all things into consideration, You may recommend, and even urge, them to select from their own citizens delegates, not to exceed three in number, to be sent to our Seat of Government, during the session of the next Congress, who may from their own personal observation examine into the operations of our system of Government, and report to their constituents on their return. Although these delegates will not be entitled to a vote on the floor of Congress, they will undoubtedly be permitted to occupy seats on it, and to speak on any subject that may concern them. It is true that no instance of the kind has occurred in the history of the Government; but from the nature and genius of our institutions, I think you can run no risk in assuring them that those privileges will be accorded to them.

One of your Commissioners Col. William G. Cooke, will be commissioned to reside at Santa fé, with the title of Resident Commissioner, and will be specially instructed in his duty.

The foregoing instructions are all based upon the supposition that no force will be opposed by the citizens of Santa fé to your reception in the capacity in which you go. If however, our expectations should not be realized, a case will arise which must be referred almost exclusively to your discretion.

The President anxious as he is to have our National flag acknowledged in Santa fé, does not consider it expedient at this time to force it upon that portion of the Republic. If the Mexican authorities are prepared to defend the place with arms, and if you can satisfy yourselves that they will be supported by the mass of the people, no good

result can come from risking a battle; for if our arms are successful, a strong Military force would be necessary to hold possession of the place, the cost of keeping which, to say nothing of other objections equally forcible, would of itself be sufficient; and if they are unfortunate, the evils that would flow from it are sufficiently apparent. In this case therefore, you will not be authorized to risk a battle.

But if you are opposed by the troops of the Government of Mexico only, and the people are with you, or indiferent as to the result, the only question for your consideration will be your ability to beat them, of which you and the Military officers composing the command must be the sole Judges. But in whatever manner you may get possession of the City, it seems highly probable that a part of the Military Command which will accompany you ought to remain there, after you have left. You will be authorized therefore, to detach such a portion of it as may be willing to volunteer for this service, to be placed under the Command of Brevet Brigadier General Hugh McLeod, to whom you will give such instructions as may seem to you best calculated to promote the interest of the country, and the object of the expedition.

This Military detachment will be left subordinate to the civil authority of this Government, which will be confined to its commissioner Col William G. Cooke, and will at all times be subject to his orders.

You will distinctly understand the position assumed by the Government to be its right of Jurisdiction. In all your negotiations therefore, you will not be permitted to entertain any proposition for a Treaty, which brings that right in question. Policy undoubtedly requires that they should be assured there will be no attempt on our part to change or modify their municipal law, without first obtaining their express consent; but Patriotism as certainly requires that at the very time of giving this assurance, the right of Congress to do so shall be most emphatically asserted.

As valuable as their trade is considered, and solicitous as the President is to open its advantages to the citizens of this country, he yet owes a paramount duty to the constitution, and has directed me to instruct you, that you are to make no arrangement, stipulation or agreement whatever with the inhabitants, for the admission of Texan goods into that District of of country, by which Texan Citizens will be required to pay any duties to them. We claim the jurisdiction, and consequently the right to demand the revenue, and if we cannot enforce our right, we must at least do nothing to impair it. But it is believed that they will not only be willing but glad to have the Texan tariff substituted for the more onerous one of Mexico, and for the purpose of making it more acceptable to them, the collector of the customs will be specially instructed by the Secretary of the Treasury

to modify it in such a manner as will accomplish this end. The object of the expedition being to conciliate the people of Santa fé, to incorporate them with us, and to secure to our citizens all the benefits arising from the valuable trade carried on with them, It may be necessary to diminish the tariff to a still lower rate to effect these objects; but nothing short of necessity will justify any interference with the rates established by Congress, and of this necessity the collector of the customs must be the Judge.

The route to be pursued, both going and returning, will be left to your own determination, and if you should find it expedient or necessary to visit any of the Mexican Towns within our limits, while you are absent, you will do every thing in your power to cultivate a friendly feeling with them, and to create in their minds impressions favorable to our laws and institutions, and if any of them should be desirous of organizing under our Government, you will consider the foregoing general instructions as equally applicable to any such case.

Thomas Falconer Esqr. will accompany the expedition as historiographer, and from his labors the President anticipates large and valuable accessions to science. In fact, a scientific exploration of the country is second only in importance to the great National interests with which you are more especially charged, and it is therefore expected, that every facility in your power will be constantly afforded him, to enable him to give such an account of the intermediate country and its scientific capacities, as will enable the Government to form a correct estimate of its value and extent, and the uses to which it may be best applied.

The position which Mr. Falconer will occupy will be that of an invited guest. He will receive the same rations etc. as are furnished for yourselves, and will be allowed transportation for such additional stores, as he may think proper to lay in, on his own account. He may also take with him an assistant, who will be entitled to transportation and subsistence, and neither of them will be subject to military orders.

You will take pains to procure all books, Manuscripts, Maps, charts, etc. that you may have an opportunity of obtaining, which will serve to add to or illustrate the history of this country, or of this continent, or which will in any way contribute to the advancement of science and general knowledge.

As a part of these instructions, a copy of those given by this Department to William G. Dryden, John Rowland, and William Workman Esqrs. commissioners on the part of this Government to Santa fé, appointed in April 1840 is attached. Whatever those commissioners have promised in the name of this Government, within the scope of their authority, and not inconsistent with their instructions,

you will be authorized to repeat; but if you find that they have not made the explanation of the meaning of term "Indian" in the constitution, in the manner they are directed to do by their instructions, it is thought advisable that it should not now be done, unless it is absolutely necessary to the success of your Mission; and even then, candor requires that you should distinctly state to them, that the construction given by the President is not, and cannot be conclusive upon the other Departments of the Government. Should this subject be pressed upon you, it will require much nicety and tact to make such an explanation as will be satisfactory to them, and consistent with the letter of the constitution.

It is deemed unnecessary to instruct you that no deception of any kind, must be practised upon any of the people with whom you have intercourse. Your own high sense of honor, as well as the honor and reputation of the Government which is in your keeping, forbid the idea.

A full and faithful report of what you shall do under your commissions, will be expected from time to time, if you have an opportunity of sending it, and a complete history of the expedition on your return.

I have the honor to be,
Your Obt Servt.

SAML A. ROBERTS
Acting Secy of State.

TO WILLIAM G COOKE
J. ANTONIO NAVARRO
RICHARD F BRENHAM and
WILLIAM G DRYDEN—*Commissioners etc etc.*

ROBERTS TO COOKE.^a

DEPARTMENT OF STATE
Austin June 15th 1841.

SIR

A commission is this day drawn up, in which you are named one of a joint commission on the part of this Government, to conduct the expedition which is now being fitted out for Santa fé. These commissioners have been vested with certain powers which are particularly enumerated in my letter of instructions to them, of this date, which accompanies that commission.

In order that the policy of the Government may be fully carried out, it will in all probability be necessary that some one shall remain in Santa fé after the commissioners who are joined with you shall

^a See Records of Department of State (Texas), Book 3S, pp. 188-191.

have left that place, and that this commissioner should be clothed with the same authority that has been conferred upon them. Accordingly a separate commission has been made out appointing you the resident Commissioner on the part of this Government at Santa fé, whose official duties will only commence when the joint commissioners shall have departed or resigned into your hands their authority.

The duties which will then devolve upon you are many of them to be found in the letter of instructions addressed to the joint Commissioners, a copy of which will be furnished to you, and which you are to regard as a portion of your instructions as resident commissioner. But as many cases must arise which are not covered by those instructions this additional letter becomes necessary.

Under the instructions already given, you cannot be called upon to exercise the functions of your office as Resident Commissioner, until after the joint Commissioners have taken possession of the Town of Santa fé, organized the Government in accordance with their instructions, and installed the officers appointed by this Government, in their respective offices. It is only necessary therefore, to instruct you as to the powers that will be conferred on, and the duties expected of you, after you are left sole commissioner.

A people suddenly transferring their allegiance from one Government to another, where no Treaty stipulations have taken place between the two Governments, for the purpose of settling difficult points which will necessarily arise in the administration of their laws, will, without the exercise of great wisdom and moderation, speedily find themselves plunged into anarchy and confusion in every Department of their Government, but more than all in the judiciary.

To guard against such anticipated evils as far as may be, and to provide the best remedy for such as cannot be avoided, will constitute your principle duty. We are not sufficiently informed, either as to their laws or their mode of administering them, to instruct you particularly and specifically what innovations you will be allowed to make, in every possible case that may be presented—general instructions only can be given, which will serve you as a guide, and to which you are expected rigidly to adhere.

Of these the Chief are—First. You will not be permitted, either directly or indirectly, to make any alterations whatever, (except such as are hereinafter particularly mentioned) in any of the laws of that country nor in the mode of their administration.

Second. The tribunals as now constituted will remain inviolate, save only the removal of such functionaries as hold their offices directly from the Supreme Government of Mexico, and in whose appointments the people of Santa fé have had no voice. Even these you

will in all cases retain, unless their removal is formally demanded by a written petition from the people, in which case no discretion will be allowed you.

Third. All officers, whether retained or appointed by the joint Commissioners or by you, must take and subscribe an oath of allegiance to this Government, and those who are retained must receive anew their appointments from the joint Commissioners or from you.

Fourth. All questions originating in the courts of law, or in any of the civil Departments of Government which have heretofore been determined by the Governor, will, until further provisions is made, be determined also by you; and all appeals that by their laws, lay from any of their courts of justice to the higher courts in Mexico, or to the Supreme Government thereof, will, except in criminal cases, be disallowed; and the decision of the highest Court of the Country to which, by their laws, any appeal may be taken, shall be final and conclusive, until further provisions is made by Congress; but in all criminal cases, the same power to pardon that is now vested in the Governor of that province, or in the Chief Executive of Mexico, may be exercised by you.

Fifth. It will be important to put the country as soon as possible in a state of defence, and for this purpose, unless the measure is found to be unpopular with the people, you are instructed to Organize as rapidly as possible the whole country under our Militia System, ordering elections at proper times for Military officers only, and you will do all in your power to foster a Military spirit in the people, so as to prepare them to repel any attack which Mexico may hereafter make upon their liberties.

The collector of the customs will be charged exclusively with the financial, as you will be with the political Department. He will receive from the Secretary of the Treasury special instructions in regard to the modification of the tariff, which will be conclusive on you also; and you will at all times lend him all the aid in your power, to carry into effect such modifications as he may make under them. When he is inducted into office, all the money and public property will be handed over to him, and over neither the one nor the other will you be permitted to exercise any control. Reasonable requisitions for the subsistence of the Military force, and the necessary Contingent expenses for the Civil Department, will be paid by him; but of their reasonableness he must be the sole judge, as he will be held responsible to this Government for every useless and extravagant expenditure of the public money.

The foregoing instructions, as well as the instructions to the joint Commissioners, are all grounded upon the broad principle that not a single alteration or innovation should be made in the laws, usages,

or customs, of the people of that country, which the change in their Government does not render absolutely necessary, nor any rights or privileges, power or authority, conferred either upon you, or upon the joint commissioners which are not also absolutely necessary for the purpose of conciliating the people of that province, and of firmly uniting them with the rest of the Republic. In short no alteration whatever will be made, either in the Municipal law, the modes of procedure in their courts, or in conducting their public affairs, which do not, of necessity, follow from the new position in which they will be placed, by the change in their Government. The object of this Government is only to provide a substitute for that which of necessity will be taken away. To go beyond this, will be to transcend both the spirit and letter of your instructions, and to disregard the pledges already given, and now repeated by the President, in his letter to the people of that country. Congress only can make and unmake laws; but even Congress can make no laws that will be binding upon them, until they, in common with every other citizen of this Republic, are fully represented in that body. All this you will continually bear in mind, and in such emergencies as may arise, not anticipated in either letter of instructions, your decision will be so framed as to accord with this principle.

You will lose no opportunity of communicating with this Department, and as far as possible, will keep it informed of all your official acts. You will also take pains to collect and transmit to this Department such statistical information as may be relied on, concerning the inhabitants of that portion of New Mexico which falls within our limits, stating particularly what portion of them are Indians, what mixed blood etc. The number of Towns, their population, trade, wealth etc. will also constitute a part of your enquiries, as well also, as the modes in which they are governed, especially if by any separate or peculiar code.

Upon a full review of all the instructions that have been furnished to you, you cannot fail to be struck with the large discretion with which you have been invested. Gubernatorial authority has been unavoidably placed in your hands, power has been given which if misapplied, would render nugatory every effort to accomplish the object of your Mission; and a latitude has been allowed you, in construing your instructions, which opens a wide door for good or evil. With the utmost care and circumspection this could not be avoided, without depriving you of all efficiency in your office, and rendering the whole enterprise useless and valueless.

The weight of responsibility which will therefore rest on you will be very great. That you will prove yourself fully equal to it, I

doubt not; but nevertheless you cannot exercise too much caution. Let it be an established maxim with you, to *undo* as little as possible, and to shape all your acts after models drawn from our own institutions.

I have the honor to be,
Your Obt. Servt

SAML. A. ROBERTS
Acting Secy of State.

To Col Wm G. COOKE
Resdt. Commiss. etc.

WEBB TO PAKENHAM.^a

WAPLES TO COOKE.^b

[Letter transmitting documents and books furnished the resident commissioner and joint commissioners to Santa Fé.]

ROBERTS TO URIBE.^c

DEPARTMENT OF STATE
City of Austin 23d June 1841

DR. RAFAEL URIBE,
SIR,

A letter signed by "Mariano Arista" was yesterday placed in the hands of the *President of this Republic* by you. It is addressed to "Mr Mirabeau Lamar" and purports to be from a General in the Mexican Army, touching certain subjects upon which the *President* alone is competent to act.

That letter has been handed over to this Department, and the President instructs me to say that he can consider no communications coming from such a quarter and requiring executive action which is not addressed to him in his official capacity.

I have the honor to be, Sir
Your most obdt Servt

SAML A. ROBERTS
Acting Secy of State.

^a June 16, 1841. See correspondence inclosed with Webb to Mayfield, June 29, 1841.

^b June 17, 1841. See Records of Department of State (Texas), Book 38, p. 191.

^c See Records of Department of State (Texas), Book 54, p. 31.

ROBERTS TO VAN NESS AND MORRIS.^a

DEPARTMENT OF STATE

Austin City June 24th 1841

GENTLEMEN,

Herewith you will receive a letter from the President directed to General Mariano Arista, Commanding the Northern Army of Mexico, which empowers you to visit the Headquarters of said Army for the purpose of coming to some understanding with its commander, upon the subject of the irregular and brigand border warfare which has unhappily for so long a period desolated our western frontier, stripping our citizens of their hard earned property, depriving them of their liberty, and even in many instances of their lives.

The President from the very commencement of his administration, down to the present time has always kept one object steadily and permanently in view, which was to afford all the protection in the power of the Government to give to our widely extended frontier, and to keep as many channels for a safe and lucrative trade open to the enterprize of our citizens, as the slender means in his power would warrant him in undertaking. In pursuance of this policy he always regarded the trade to the Northern States of Mexico as of immense importance, not only to our entire western frontier, but to the whole country at large; and has never omitted an opportunity to promote it by all honorable means.

A circumstance has recently occurred, which induces the belief in the mind of the President, that he may now interpose with effect, and establish on a firm and he trusts a lasting footing a safe and friendly commerce with that portion of the Mexican territory bordering on and to the westward of the Rio Grande. Informal overtures have been made by the Commanding General of the Army of the North, which the President could not entertain for reasons which were assigned to the bearer of the propositions, and which to his mind, (the Presidents)* seemed conclusive, to say nothing of other objections which might have been urged. But altho he could not for a moment listen to any propositions coming from an enemy, for the invasion of our soil under any pretext whatever; yet as the Mexican Genl seems, if the Verbal assurances of his agent may be trusted, to manifest a willingness on his part to put a stop to the miserable system of robbery which has been so harrassing and injurious to our citizens it does not become the Chief Executive of a brave and generous people to refuse his cooperation. He is not however willing to trust anything to chance, but would satisfy himself by reports of his own agents, how far he may safely rely upon the assurances of Genl. Arista and what are the steps he proposes to take, and the means he proposes to use, to accomplish the end in view. To perform this duty,

^a See Records of Department of State (Texas), Book 54, pp. 32-34.

you have been selected, and that you may not be at a loss as to the exact nature of the service required, or, the extent of the powers confided to you, it is particularly enjoined on you, to observe the following instructions, which you are to regard as secret.

1st. You are not to make or listen to any propositions from any quarter whatever, which would commit this country in the slightest degree in any of their domestic wars or revolutions.

2d. You will give no assurances on the part of this Government that Mexican Troops will be permitted to invade our territory, either under the pretext of chastizing the savages or any other.

3d. You will in no manner interfere in any political movement in the country, nor intermeddle in any way in their domestic Government.

In short, you will scrupulously confine yourselves to the single object of your Mission, the prevention of robbery and Murder, and the opening of a safe trade to the border river. This much, humanity requires, and the interests of the country demand. You will make a faithful report to this Department of all the steps you may think proper to take in this business, giving at the same time all such general information as you may think will be of use; taking particular care to keep your Mission and the object of it *entirely secret* until after you have accomplished the purpose for which you go.

The President relies greatly on your address and discretion in the management of this affair, and expects that nothing will be done which will in the remotest degree reflect upon the honor of the Nation, or which would be likely when known, to throw any impediments in the way of the treaty which we are now seeking to establish with Mexico.

I have the honor to be

Your Obedient, humble Servt

SAML A ROBERTS

Acting Secty of State

To

C. VAN NESS and

JOHN D MORRIS Esqrs

LAMAR TO ARISTA.*

EXECUTIVE DEPARTMENT

Austin June 24th 1841

To

Genl. ARISTA

SIR, The Government of Texas has witnessed with regret the sectional and border war now existing and which has existed several

* See Records of Department of State (Texas), Book 54, pp. 35-36.

years past on the adjoining frontiers of Texas and Mexico, and which of late divested of almost every feature of a National contest between two countries, has become little other than a system of predatory incursion and foray, attended with no other results than the pillage and ruin of exposed and unoffending citizens and settlements. This state of things is not only destructive to the interests of important sections of both countries, but is disreputable to the character of enlightened and honorable people, and should not be suffered to continue any longer. Degrading the profession of arms into robbery and murder, this species of warfare can only lead to crime and individual sufferings, without tending in the least degree towards the adjustment of the difficulties between the two nations. Besides this—a negociation is now going on in Mexico, with a fair prospect of a speedy and an honorable settlement of our National quarrel by a treaty of permanent peace,—a consideration sufficient of itself to induce a suspension of all hostilities for the present, and more particularly for the abolishment of a petty and provoking mode of warfare, which is calculated to engender personal feuds and revengeful feelings which may linger upon the border even after peace has been established. Should these negociations fail, and either party shall choose to enter again the arena of war, the contest ought to be a *National* one and should be conducted in a manner consonant with the character of the contending parties. Texas on her part, will never vary from the dignity and humanity belonging to civilized warfare, unless driven from it by some intolerable conduct of her adversary. Believing that you are actuated by the high and honorable feelings which always belong to true heroes, and that it is only necessary to call your attention to the evils alluded to, to secure your co-operation in putting an end to them, I have appointed two gentlemen of honor and talents, Cornelius Van Ness and John D. Morris Esqrs to make known to you the feelings and views of this Government; and have authorized them to enter into any arrangement with you which might place the relations and intercourse between the two frontiers (even though hostile) upon a higher and more honorable footing, and which while advancing the interests and ameliorating the situation of many, will not compromit the dignity or character of either nation. I have also instructed these gentlemen to refrain most scrupulously from the least interference in the domestic or local affairs of your Country, but devote their attention exclusively to the object of their Commission.

Respectfully Yours,

MIRABEAU B. LAMAR

PASSPORT FOR VAN NESS AND MORRIS.^a

[Lamar enjoins all citizens of Texas and requests all citizens of Mexico to permit the passage of Cornelius Van Ness and John D. Morris on their way to and from the headquarters of Arista on matters of state.]

WEBB TO MAYFIELD.^b

GALVESTON, 29th June 1841.

HON JAMES S. MAYFIELD

Secretary of State

SIR: I have the honor to hand you herewith, a copy of the correspondence which has recently passed between Her Britannic Majesty's Minister at Mexico, and myself, relative to the objects of my late mission to that country, and from which you will perceive, that the Government of Mexico has not only refused to receive the propositions which I was authorized to make for the adjustment of difference, but has positively rejected the mediation of the British Government, in the settlement of those differences.

Upon my arrival at Sacrificios, I addressed through my Secretary, a letter to the Commandant General of Vera Cruz, informing him of the objects of my visit, and requesting to know whether or not I would be permitted to land, and furnished with passports to the City of Mexico; to which letter I received a reply, couched in terms of sufficient courtesy, saying that he was not authorized to permit the one or grant the other. I then addressed my first communication to Mr Pakenham, through the British Vice Consul at Vera Cruz, and sixteen days afterwards received the answer and accompanying documents which you will find enclosed.

It may be proper to remark that there was nothing in the deportment of the authorities at Vera Cruz, as exhibited to me, which was in the slightest degree offensive; but having been placed upon my guard by a knowledge of the extraordinary treatment manifested towards the vessel (on board of which I was) but a short time before, while under a flag of truce, I caused enquiries to be made of the Commandant General, to ascertain whether or not she would be permitted to remain quietly in the Harbor, until such time as I should receive answers to my despatches addressed to Mr Pakenham; and was informed in reply, that he (the Commandant General) could make no pledges of any sort, farther than that he felt no hostility either towards myself or the Vessel. Under these circumstances, I deemed

^a June 24, 1840. See Records of Department of State (Texas), Book 54, pp. 36-37.

^b See Records of Department of State (Texas), Book 41, p. 523.

it most proper to leave the Harbor, which I did by proceeding to the Island of Lobos, where I remained until a sufficient time had elapsed to justify the expectation of receiving replies from Mexico upon my return to Vera Cruz.

After my rejection by the authorities at Mexico, it was my intention to have proceeded at once to Tobasco and Yucatan, for the purpose of complying with your instructions in reference to those States, but while prosecuting that intention, we had the misfortune to carry away the foremast of our Vessel, which compelled an immediate return to this place, where we arrived at a late hour last night.

As I have some doubts about the propriety of my setting out again for Yucatan and Tobasco under the instructions with which I am at present furnished, I have written to His Excellency the President upon the subject, and shall remain here until I hear from you in reference to my future movements. My Secretary, Mr. George L. Hammeken, is the bearer of my despatches, and as he is fully advised of all my views in reference to this Mission, I beg leave to refer you to him for an explanation of all things, in which I have not been sufficiently explicit in my written communications.

Should it be determined by the President to furnish me with further powers and instructions in regard to the States of Yucatan and Tobasco, I beg that you will cause them to be made out with as little delay as possible, as I shall await the return of Mr. Hammeken with great anxiety: I would also suggest, that in such case, the Commissions and letters of Credence for each State should be separate—the letters of Credence to be addressed to the Governors of each.

I have the honor to be, with great respect

Your Obt Servt

JAMES WEBB.

SACRIFICIOS, *Mayo 31 de 1841*

Al Señor General

D. IGNACIO MORA

Comandante de la Plaza de Vera Cruz.

ESTIMADO SEÑOR: á consecuencia de unas negociaciones habidas entre el Gobierno de su Majestad Britanica y el de Texas, tengo el honor de participarle que he llegado para conferenciar con el Sr. Packenham con el fin de arreglar amistosamente las dificultades que en el dia existen entre la Republica de Mejico y Tejas, y deseoso de saber si seré permitido, con mi secretario, seguir mi viage hasta el Capital, tomo la libertad de ponerle á V esta.

Si por acaso le ofrecieren á V. otras contestaciones, he mandado mi secretario, D. Jorge Luis Hammeken, bajo la proteccion de la Bandera Inglesa á bordo del Paquete de S. M. B. Ranger para

esperar su respuesta—sea para ir á tierra, ó á bordo, contestar con el sujeto que tenga V. á bien enviar con este fin, Como á V. le pareciere mejor. Tomo esta ocasion de presentarle á V. las consideraciones de mi alto respeto.

JAMES WEBB
Agente del Gob^o. de Texas
 p su secretario
 JORGE LUIS HAMMEKEN

SÔR DN. SANTIAGO WEBB.

VERACZ. *Mayo 31 de 1841.*

Muy Sôr mio de mi atencion: me he impuesto de la carta de Vm fha de hoy, en la qe. tiene á bien avisarme el objeto de su arribo á Sacrificios, y me pregunta si podrá con el Sôr Hammeken proseguir su viage á Megico; sobre cuyo asunto contesto, qe. no estoy autorizado pa. consentirlo.

Es su afmo atento servidor qe. B. S. M

YGNACIO DE MORA
 (Rúbrica)

[Copy a]

ON BOARD THE TEXAN SCHOONER SAN BERNARD

HARBOR OF SACRIFICIOS, NEAR VERA CRUZ.

1st June 1841.

HON RICHARD PAKENHAM

Her Britanic Majesty's Minister Mexico.

SIR:

In accordance with the Convention entered into on the 14th of November last,^b between Her Britanic Majesty's Government and the Republic of Texas, I have been deputed by His Excellency the President of Texas to make such propositions to the Government of Mexico for the adjustment of differences, as will enable you to carry into effect the objects contemplated by that Convention, in the event that Mexico shall accept the offered mediation of Great Britain.

Upon my arrival here on yesterday, I addressed a note to the Commander of Her Majesty's ship *Comus*, a copy of which is herewith forwarded you. To this note I received a verbal reply from Commander Nepear,^c stating that he was compelled to proceed to sea by the first wind, but while he remained in port, he would afford me the protection asked. He also immediately despatched a boat to Town, to ascertain whether or not any instructions had been received from

^a See Records of Department of State (Texas), Book 41, pp. 517-518.

^b See Gammel, *Laws of Texas*, II, 886-888.

^c Probably Napier.

Mexico, in reference to the reception of an agent from Texas under the Convention with Her Majesty's Government; but to this inquiry no satisfactory [answer] was received, as it was said, the Commandant of the port was absent, and Her Majesty's Consul had no information upon the subject.

By the advice of Commander Nepear, I this morning despatched my Secretary to Town under the protection of Her Majesty's flag, with instructions to have an interview if possible with the Commandant of the place, and to ascertain whether or not, I would be permitted to land, and proceed to Mexico—and if not, whether the flag of truce under which I came into this Harbor would be respected, and the vessel be allowed to remain until I could communicate with you at Mexico? My Secretary having failed to obtain the interview desired; addressed a note to the Commandant, to which I received the accompanying reply, and by which I am informed, that I cannot be permitted to proceed to Mexico. I am further informed, that the Commandant verbally stated to Her Majesty's Consul through whom Mr Hammekens note was conveyed, that the vessel could not be permitted to remain in this Harbor, but that she might return at a future day to receive the answers to the despatches which might be forwarded to Mexico. I have therefore no alternative, but to address you upon this subject, and proceed to sea, with the intention of returning in ten or fifteen days for your answers.

You will perceive that by the terms of the Convention (a copy of which with its ratification by the Government of Texas I have the honor herewith to forward you) that my Government has undertaken to pay One Million of pounds Sterling of Mexican foreign debt, provided a Treaty of peace is entered into between the two Countries through the mediation of your Government; and it is for the purpose of enabling you to offer that Mediation in the most effectual manner, and to negotiate such a treaty, that I now present myself to the authorities of this Country, to make such propositions for the adjustment of our differences, as it is hoped, will lead to that most desirable end. My powers are very full, as Commissioner; and also Minister Plenipotentiary should I be received as such, in each of which characters I am furnished with letters of credence to His Excellency the President of Mexico.

Herewith, I also beg leave to hand you the copy of a letter addressed by the Secretary of State of Texas to you, in reference to the object of my Mission;^a and also the copy of a letter from A T. Burnley Esqr.^b (lately associated with Gen. Hamilton in Europe in the negotiation of a loan) Mr Burnley's letter covers one from Lord Palmerston which being under seal cannot be copied. I would for-

^a Mayfield to Pakenham, March 30, 1841.

^b No copy of Burnley's letter has been found.

ward the originals of these, instead of the copies, together with Lord Palmerston's letter, had I not been advised to retain them until I could deliver them personally, on account of the risks which a conveyance by mail involves.

I cannot believe that when the olive branch of peace is a third time tendered to Mexico, it will a third time be refused, especially as it will not be offered under circumstances which are evidently so decidedly advantageous to her, and may be accepted without inflicting the slightest wound on her national pride. We now present ourselves rather in the character of purchasers of the country, than as conquerors, and as such, Mexico can Treat with us with as little mortification of feeling as though hostilities had never existed, I therefore sincerely hope that you will have no serious difficulty in obtaining from the authorities at Mexico, permission for myself and Secretary to land at Vera Cruz and to proceed to Mexico for the purpose of entering into such negotiations as may result in the establishment of a peace not only mutually advantageous to both Countries, but which will be permanent in its Character.

In compliance with what I have understood to be the desire of the Commandant of Vera Cruz, I shall proceed to sea tomorrow morning, but shall return again to this Harbor as soon after the expiration of ten days from this time, as the vicissitudes of the weather will permit, under the hope of then receiving from you an answer to this communication, and permission from the authorities at Mexico to proceed in the object of my mission.

I have written to no one at Mexico besides yourself, believing that an application for my reception made by you, would be much more likely to succeed than if addressed by me to any officer of the Government; and having been assured that you would do whatever was necessary to be done, in reference to this matter.

I have the honor to be, with great consideration and respect

Your very Obt hble. Servt

JAMES WEBB

HER BRITANIC MAJESTY'S MISSION

Mexico 10th June 1841.

SIR:

I have the honor to acknowledge the receipt of your letter of the 1st inst. informing me of your arrival at Vera Cruz, for the purpose of making such propositions on behalf of the Government of Texas to the Government of Mexico as might enable me to carry into effect the objects contemplated by the Convention of the 14th November last; and it is with great concern that I have now to transmit to you the answer contained in the enclosed copy of a note from the Minister

for foreign affairs, which the Mexican Government have returned to my communication announcing your arrival at Vera Cruz, and the object of your Mission to this country.

This answer, you will perceive, is altogether unfavorable, as it makes known the present determination of the Government not to depart from the line of Conduct with reference to Texas which, by a note addressed to this mission, a copy of which I also enclose, they signified their intention to observe when the good offices of Her Britanic Majesty's Government were first offered, with a view to bring about a pacific arrangement between the two Republics.

I think it necessary to observe to you that this determination has been taken by the Government of Mexico before they have had official communication of the convention of the 14th November 1840; in fact, I have not yet been instructed by Her Majesty's Government to make that communication, although by permission of Viscount Palmerston, the substance of the convention was some time since confidentially made known to them.

It accordingly occurs to me that it may, perhaps, suit the views of the Texan Government, whose policy I imagine it to be to avoid coming to extremities with this country, to allow the question to remain upon this footing for the present, and to wait for an opportunity to reattempt negotiation under more favorable circumstances.

I have, on various occasions, taken the liberty to express to the gentlemen acting for the Government of Texas, with whom I have had the honor to communicate, my conviction that it is entirely for the interest of Texas to forbear from any acts of hostility or aggression towards Mexico, as long as Mexico refrains from active hostilities against that country.

The Government of Texas, I have no doubt, possess sufficient information as to what passes in this country to enable them to judge how far it is possible that Mexico will be able, and how soon, to undertake an expedition upon a scale to endanger the safety and independence of Texas. The longer such an expedition is postponed, the less likely it becomes that it should ultimately take place, unless Texas should in the mean time by some act of aggression offend the pride of the Mexicans, and lead them to put in action the means which they undoubtedly possess, if properly directed, of causing serious annoyance to Texas. This opinion I now beg leave most conscientiously to repeat, as a sincere well wisher of both parties.

My commission as mediator, I consider, notwithstanding the present unfavorable disposition of the Mexican Government, to be still open, hoping that I may one day enjoy the satisfaction of seeing an arrangement effected between the two countries, neither of which, I am well convinced, could be otherwise than prejudiced by becoming assailant of the other.

I shall not fail to make known to the Government of Texas any indication which I may observe of a more favorable disposition on the part of this Government to listen to pacific overtures; and I shall feel it my duty to attend, to the best of my ability, to any communication which the Texan Government may think proper to address to me having relation to that subject.

You will perhaps have the goodness to cause to be delivered to her Majesty's Vice Consul at Vera Cruz the letter from Viscount Palmerston which is in your possession, to be forwarded to me by the first safe opportunity.

I have the honor to be, with sentiments of the highest Consideration, Sir

Your most Obt Huble. Servant.

R. PAKENHAM.

Hon

JAMES WEBB.

etc etc.

NATIONAL PALACE OF MEXICO

June 8th 1841

SIR:

The undersigned etc. has had the honor of receiving a communication of the Senr D. Ricardo Pakenham of to day in which he is pleased to impart to him the arrival at Vera Cruz of the Commissioner from Texas for the purpose of making propositions to the Supreme Government on the adjustment of the difficulties existing between Mexico and that Department, expressing the earnest desire of Her Britanic [Majesty's] Government that the opportunity now presented to conclude them upon honorable and advantageous terms will not be refused

Having placed before His Excellency the President of the Republic this communication in order that he might accord that which is most suitable to a subject apparently of so much importance, His Excellency after a most mature and deliberate examination has been pleased to instruct me to answer Senr. Pakenham, as I have the honor to do, that the Government of Mexico has had no reason to change her opinion, thereby ceasing to appreciate the question of Texas in the same manner in which she appreciated it, when she contested ^a on the same subject with Mr Pakenham, which information is to be found in the note to that effect which the Minister addressed to him on the 11th December 1839.

Notwithstanding this conviction His Excellency the President duly esteems the friendly solicitude of Her Britanic [Majesty's]

^a Evidently a mistranslation for corresponded.

Government to bring this question to a pacific termination, and he highly regrets not being able to serve his ardent desires of obtaining it. But His Excellency the President not being able to depart from the principles of honor and justice which prohibit him from recognizing a dismemberment of the territory, and sanctioning the most remarkable act of ingratitude, with which it could have corresponded to a magnanimous and generous nation, usurping those rich lands when she exercised her hospitality with those who came to seek it. Besides Mr Pakenham is not ignorant that since the commencement of the insurrection of the Department of Texas, innumerable slaves have been, and are continuing to be introduced, that trade from which humanity turns with horror, and for which cause alone, even if there were no others, the Mexican Republic and its Government never would bind themselves to an act equivalent to the sanction and recognition of Slavery

The undersigned etc.

SEBASTIAN CAMACHO

HER BRITANIC MAJESTY'S MISSION.

Mexico 10th June 1841.

Hon J. S. MAYFIELD

SIR: I have had the honor to receive from Mr. Webb a copy of the letter which you were pleased to address to me on the 30th March last, mentioning the appointment of Mr. Webb as Envoy Extraordinary and Minister Plenipotentiary to negotiate a Treaty of Recognition, Amity, and Commerce with Mexico under the friendly auspices of Her Majesty's Government.

I beg leave to refer to a letter which I have this day addressed to Mr. Webb, for the result of my endeavours to induce the Government of Mexico to entertain the pacific overtures of the Government of Texas, which, I am concerned to say, have been altogether unsuccessful; but I think it not improbable that at no distant day an opportunity may occur to reattempt negotiation with a better prospect of success, and I shall not fail to make known to you, Sir, any indication which I may observe of such a favorable change in the councils of this Government.

I beg leave also to assure you of my entire readiness to attend to any communication which you may be pleased to address to me connected with the object of affecting an amicable arrangement between the two Republic's

I have the honor to be, with sentiments of the highest consideration,
Sir,

Your most Obt humble Servt.

R PAKENHAM.

TEXAN SCHOONER SAN BERNARD

Sacrificios, 16th June 1841.

SIR,

I have the honor to acknowledge the receipt of your communication of the 10th inst. in answer to mine of the first, and by which, and the documents accompanying it, I am informed of the determination of the Mexican Government to listen to no overtures of pacification from mine, predicated upon the separation of what it terms the Department of Texas from Mexico.

I can but regret this determination, as I fear it will lead to a State of things which every philanthropist must depreciate, and which my Government has been heretofore most anxious to avoid. That the authorities of Texas have sincerely desired to pursue a pacific policy towards Mexico, is abundantly evinced in the repeated efforts which have been made to settle by amicable negotiations the differences existing between the two Countries; and especially, in prosecuting those efforts under the most discouraging circumstances, and at times too, when had they been disposed to renew hostilities, the internal feuds and external difficulties of Mexico, afforded the most inviting opportunities of doing so.

You are no doubt aware, that repeated overtures have been made by the Federalists of the Northern and Southern provinces of Mexico, accompanied by the most alluring offers, to induce the people of Texas to unite with them in a war against their Government, and to make common cause in forcing an acknowledgement of our and their Independence; and you are no doubt equally aware that all of these overtures have been rejected on the part of my Government. This course was pursued by us under the impression, that Mexico appreciating the motives of our forbearance, and perceiving the amicable spirit which Texas was disposed to cultivate towards her, would change her policy in reference to us—a policy, which, without incurring the imputation of boasting we think we may confidently assert, can never result in any benefit to her.

What course my Government will feel itself bound to pursue in reference to this controversy in future, I am unprepared to say. One thing is certain, having voluntarily made three distinct efforts for amicable negotiations, She can never make a fourth unless invited to it? Your suggestions of a continuance of the pacific policy heretofore adopted, shall be duly made known, and I have no doubt will have great weight; but the people of Texas generally, have received so much annoyance from the disturbed condition of her frontier, and from the repeated, tho' hitherto unmeaning threats of invasion. that they would decidedly prefer an active and energetic prosecution of the war, to the state of suspense and sullen hostility which has existed between the two Nations for the last five years; and altho' the Gov-

ernment might be disposed to longer forbearance, I think it possible that so general an expression of public Sentiment may exercise an influence on the public councils which can no longer be resisted.

The communication from Viscount Palmerston to which I referred in my last, I have now the honor of enclosing to you, tho' from the letter of Mr Burnley, I presume it cannot in the present posture of affairs be rendered available. I have also the honor of enclosing to you the original letter of the Secretary of State of Texas, to the copy of which heretofore forwarded, I have received your reply addressed to that officer.

I cannot close this communication without tendering to you my sincere thanks, as well as those of the President of Texas, for the many acts of kindness and friendship which you have exhibited towards our infant nation. Be assured Sir, they are all fully appreciated by the Government and the people, and will long be remembered by them.

I have the honor to be, with sentiments of great respect and consideration, your very

Obt Servt.

JAMES WEBB

Hon

RICHARD PAKENHAM

Her Britanic Majesty's Minister

Mexico.

WEBB TO LAMAR.^a

GALVESTON, 29. June 1841.

MY DEAR GENERAL,

I arrived here last night from the Coast of Mexico, having been compelled to return in consequence of the loss of our foremast at sea, when only one half of my duties had been performed. By my instructions I was directed, if not received at Mexico, to proceed to Tabasco and Yucatan, and ascertain what course those two States, and the other Federalists of Mexico in Combination with them, would be willing to pursue in the event of Texas renewing the War with the Central Government; and it was while proceeding from Vera Cruz to Tobasco for the purpose of carrying out that branch of my instructions, that our foremast was carried away, and the Schooner so crippled as to render a farther prosecution of the Voyage impracticable.

From my letter to the Secretary of State of this date, and the Correspondence which accompanies it, you will perceive that all expectation of ever accomplishing any thing *by negotiation* with the present

^aA. L. S.

Government of Mexico, is at an end. They declare emphatically, that they will never discuss, or ever receive propositions, *from any source whatever*, which have for their object, the separation of Texas from Mexico. After an avowal so positive and unequivocal in its character, back'd too as it is, by the prompt rejection of our Overtures, and the Mediation of England, there can be but one question left for our discussion. That question is, whether it is better for us to let things remain as they are, or to take such steps without farther delay, as will coerce an acknowledgement of our rights? If we permit the question to remain as it is, unsettled; especially when it is known that Mexico has a third time rejected our efforts at Amicable negotiation, and rejected them in terms, which must preclude all farther efforts of that sort from us, I think we run a great risk of destroying all confidence abroad in the Stability of our Government, and will most certainly risk [sinking] our already prostrate credit still lower than it is, if it be possible for it to get lower. One of the greatest evils under which we have heretofore labor'd, has been the want of a *full* confidence in other countries, in the permanence of Our institutions. It has been impossible to produce a conviction with those, unacquainted with the Mexican Character, and with ourselves, that a Nation possessing a population of 8 Millions of inhabitants, could not at any moment reconquer a revolted province with a population of less than 150 thousand; and the impression that it could be done, has heretofore kept from our shores that class of emigration which alone can give wealth, Credit, and Character to the Country—an impression which must gain additional strength from the haughty manner in which Mexico has rejected our third proposition for conciliation.

Heretofore, as you well know, I have been an advocate of the pacific policy pursued by your administration. I advocated it, because I believed that the War could not be renewed and prosecuted successfully without much greater resources than our embarrassed finances would enable the Government to command, and that an unsuccessful effort, so far from relieving us, would place the Country in a worse attitude than it already occupied; but my recent trip to the Coast of Mexico, and information which I have obtained from various sources of the Condition of that Country, has worked a thorough change in my opinions, and I now Conscientiously believe that we can renew the War, and Conduct it to a successful termination for all our purposes, without its costing the Nation a single dollar in the end. To explain myself satisfactorily, it is necessary to take a very cursory view of the present posture of affairs in that Country. Yucatan and Tobasco, two of the most important states of Mexico, as you are aware, have already seceded, and declared themselves independent of the existing Government. Their object is not to establish for them-

selves, separate and independent Governments, but to restore the Confederation, and reestablish the Constitution of 1824, with such modifications as experience have taught them are essential to its preservation. In doing this, however, they have no expectation or desire of uniting Texas with that Confederation, for they are fully convinced, that with a population like ours, composed of persons of manners, habits, education and religion, so different from their own, there never could be harmony in a strict union, and that in establishing such an Union, they would be planting in it the seeds of discord which would eventually overthrow their own fabric. They are therefore perfectly willing to give us up, and to form such amicable relations with us as a *foreign power*, as will be to the mutual convenience and benefit of both. Indeed, I am assured, that they are now anxious to form such relations upon a permanent basis, because they feel convinced, that with our assistance and support, they can in a short time put down the Central Government, and establish the Confederacy in its stead. The plan proposed is this. Let Texas enter into arrangements at once, with Yucatan and Tobasco, and each party mutually recognize the Independence of the other, and then let them conjointly renew and prosecute the War untill the Central Government shall be forced into terms, or put down beyond the hope of resuscitation. In renewing the War conjointly with Yucatan and Tobasco, Texas would only be expected to furnish her Navy,—the whole of the land operations to be carried on by the Federalists, and by which means we would be saved the entire expense of keeping an Army in the field. The Captures made by the Navy would not only pay the expenses incur'd in keeping it afloat, but would absolutely produce a Revenue to the Country. In making arrangements of this sort, it should be distinctly understood that *our* object is not farther conquest, but simply the acknowledgement of our Independence—the permanent establishment of our rights of Territory as now claimed, and a full remuneration for the expenses we may incur in carrying on the War. Let it also be understood that we do not intend to interfere with the Confederation of the States, to the South and West of the Rio Grande, but will aid in its restoration and instead of finding enemies in the Federalists which are scattered all over the Country, and composing near two thirds of the entire population, (as we should do were we to carry on the War alone) we will find in them active and zealous Co-operators and supporters. With the disaffection at present prevailing in all the Towns along the Coast, which are now subject to the Central power, I am fully convinced that our Navy could Capture every one of them, if it were understood we made the attack [as] friends and supporters of the Federal cause, because I am satisfied that at least one half of the population would be ready to aid us, and would throw off the yoke of centralism so soon as they found that

they would be sustained in their rebellion. Without a land force however, we could not hold their Towns after they were Captured, but in this arrangements with the Federalists, let it be understood that when we had taken possession, and remunerated ourselves from the public Coffers for the expenses of the Capture, the Towns should be given up to them. And we would immediately find them ready to relieve us from all farther trouble in respect to them.

The Federalists of Yucatan and Tobasco have now everything that is necessary to carry on the War successfully, but a Navy, and they want no assistance from us but such as the Navy would afford. Without a Navy they can make no effectual impression upon the Sea ports, and that is the most essential object to be obtained; because it is through the sea ports and the revenue derived from their Commerce that the Government is sustained—take away that, and you cut off all their resources and render them hopelessly imbecile. Hence the great anxiety of the Federalists to make terms with us, because they believe with our assistance in taking their ports, they can immediately bring the Central party down.

Is it not important then for us to avail ourselves of this most auspicious moment to make terms with them? I repeat, there is no hope of ever atchieving anything by negotiation with the Central Government of Mexico. We must either remain as we are, or fight them. If we remain as we are, I again say, I fear confidence in the permanence of our Government abroad will be greatly impaired, and our credit wholly prostrated, and if we fight alone, independently of the Federal party, we have no hopes of success, because the Mexicans with all their political hostility to each other, will unite to repel us if they think we invade them solely for our own benefit, or for the purpose of Conquest. They hate each other with a hatred bitter enough, but they hate hereticks with a bitterness ten times greater, and are particularly jealous of the encroachments of the Texians. They have no idea of friendship unaccompanied with services, but serve them, and they will be grateful.

By my instructions, I am not authorized to make any decisive or permanent arrangement with the Governments of Yucatan and Tobasco. I was directed in a certain event, simply to proceed to those states, and ascertain if I could, what course they would pursue should we renew the War; and had we not lost our foremast, I should have gone down and complied literally with my instructions, without making any engagement on our part; but as I have been compel'd to put back, would it not be better before I proceed a second time, (should it be thought advisable for me to go on) to furnish me with more ample powers and instructions? It is for the purpose of submitting this question, and my deliberate views upon the subject, that I have sent up my Secretary to confer with you. Having been already better

than six weeks at sea, confined to a small, close, hot and foul cabin, only six feet square, I can feel no desire to return to sea again, unless some object is to be attained by it, advantageous to the Country, and what with me is almost as important, creditable to your administration. I think if active steps are taken, the War may be renewed, and consequences most important to the Nation be achieved by it, before your administration closes. At all events, the War can be renewed, and placed upon such a footing by you as will preclude your successor from discontinuing it, and your administration will have the Credit of it. Should Genl. Houston succeed in the Presidential Canvass (and of this there is now the strongest probability) I understand that he will be opposed to a renewal of the war. Unless therefore it is done in your time, we may expect an additional three years of doubt, difficulty, and embarrassment.

But suppose the war is not renewed, will not something be gained for us by obtaining from Yucatan and Tobasco, the two most powerful and Commercial states of Mexico, the unconditional acknowledgement of our Independence, together with the assurance of obtaining a similar acknowledgement from the other states, as they shall throw off the Central Yoke and unite with the Confederacy? The acknowledgement of Yucatan and Tobasco alone, will exercise an influence on the other States when the Confederacy is established, too powerful to be resisted, and that the Confederacy will eventually be reestablished, I have not the shadow of a doubt; at all events, until it is reestablished, we shall never get our Independence acknowledged by Mexico.

I can see no benefit that will result to the Country, or to your administration for me now to go to Yucatan and Tobasco under my present instructions. If it be intended by you to renew the War, I ought to be authorized to make full arrangements at once, as we have no time to lose. If on the other hand, it should be thought most advisable not to renew it, it can be of no service for me to ascertain what course those states would pursue in an event which is not to happen. Unless therefore, I am instructed to make positive arrangements with them for Conjoint Operations against our Common enemy, or to obtain from them a recognition of our Independence so far as they can give it, I respectfully suggest the propriety of my recall. In making this suggestion, I hope I will not be understood as manifesting any desire to shrink from a duty which I had previously undertaken, and which properly devolves upon me. I do it from a full Conviction, that under my present instructions, I shall not be able to render any effectual service to the Country.

Should you think it the better policy to renew the war immediately, provided it can be done at so little cost and hazard (and of this I can hardly entertain a doubt) I feel it to be my duty to call your attention to the act of the last Congress directing the Navy to be laid up

in Ordinary, because it is the Navy alone which will be required or can be effectual in such a War. I do not recollect the terms of that act or whether any discretion is left to the President in bringing it into service. If there be no such discretion allowed, is it not a matter of sufficient importance to justify a Call of Congress? This would cause but little delay, as the Vessels could be getting ready while the Members were assembling. I do not know that Galveston presents any criterion from which to judge of public sentiment, but if there be one tenth of the war fervor in the other parts of the Republic that is felt here, the Nation would justify by acclamation the sending the Navy to sea, even without the action of Congress to authorize it. I however for one, would not advise you to do it.

You will perceive from Mr. Packenhams letters both to the Secretary of State and myself, that he advises us still to pursue the peace policy. I call your attention to the fact, because I assured him I would do so, but at the same time I must say, that I think his advice upon the subject is not entitled to as much consideration as it doubtless would be on most others. He is in feeling and interest, essentially a Mexican of the Central party. He Married in the Country and has all his interests established there, and he would therefore not advise a Course injurious to that interest. He no doubt would be pleased to see Mexico recognize the Independence of Texas, because he has sense enough to know that it would be to her advantage to do so and I am strongly inclined to believe that the larger portion of his gratification would be derived from that consideration.

If the War should be renewed, I understand that there are several persons here desirous of fitting out privateers, and [they] are anxious to know whether Commissions could be had for them as letters of Marque. I have heard that Col. Love and Capt. Wheelwright speak of fitting out one, to be under the command of the latter.

Knowing your aversion to reading long letters, I am almost ashamed of sending you this tedious and desultory scrawl. But being anxious to put you fully in possession of my views upon a subject which I regard as of great importance, and having no time to think of perspicuity in style (as I have many other letters to write before Mr. Hammeken leaves in the morning) I have just put down the things which were suggested to my mind at the time, and shall not be able even to look them over for the purpose of correction, but between you and I, this is a matter of but little consequence.

Should you conclude to send me other instructions for Yucatan and Tobasco, it will be necessary to send me a Commission and letters of credence for each State, the letters of credence to be addressed to the Governors of each respectively.

I pray you to despatch Mr. Hammeken as soon as possible, as I shall remain here under much anxiety until his return. It may also be

proper that orders be sent to Com. Moore to get one of the other vessels ready to take me down as the San Bernard cannot be repaired untill she gets a new mast, and the San Antonio is now ready and will no doubt be off on her surveying expedition. The Ship can be got ready in less time than any other vessel, as she is now in complete order, and there are men enough to man her.

Very sincerely and truly,
Your friend and obdt. servt.

JAMES WEBB.

ROBERTS TO WEBB.^a

DEPARTMENT OF STATE

Austin July 7th 1841.

SIR.

Your Communication of the 31st^b ult to this Department was received two days ago, and it, together with the accompanying documents, was immediately laid before the President, and he considers the questions involved of such magnitude as to determine him to go at once in person to Galveston, where he can best determine what will, under all the Circumstances, be most proper to be done. He will accordingly leave here in the morning, and will probably be not more than one day behind Mr Moore on his arrival at Galveston.

I have the honor to be Very Respectfully

Your Obt Servt

SAML. A ROBERTS

Acting Secy of State

The Hon

JAMES WEBB.

VAN NESS AND MORRIS TO URIBE.^c

VAN NESS AND MORRIS TO CARRASCO.^d

VAN NESS AND MORRIS TO ARISTA.^e

ARISTA TO VAN NESS AND MORRIS.^f

^a See Records of Department of State (Texas), Book 38, p. 197.

^b This must be inadvertently written for the 29th.

^c July 18, 1841. See correspondence transcribed with Morris to Roberts, September 30, 1841.

^d July 25, 1841. See correspondence transcribed with Morris to Roberts, September 30, 1841.

^e August 6, 1841. See correspondence transcribed with Morris to Roberts, September 30, 1841.

^f August 8, 1841. See Morris to Roberts, September 30, 1841.

MORRIS TO ROBERTS.^aSAN ANTONIO *Sep. the 13th. 1841.*

Hon.

SAMUEL A. ROBERTS

Acting Secty. of State.

DEAR SIR

Your communication sent by the hands of Major Ganatz suggesting the necessity of the presence of either Mr. Van Ness or myself, "immediately" at Austin has just been received and we regret extremely that its call cannot be so promptly responded to as you seem to wish and we would desire.

As you are aware, our court is now in session in which we both have many cases, of importance, which cannot be neglected but at great loss to ourselves and clients. My own disposition, and in fine many other circumstances render it utterly impossible to leave town at present.

We however hope that this communication which will be sent by Mr. Chevallia will be all sufficient to enable you to treat fully with the Commissioners from Yucatan and enter into any negotiation, which may be deemed fit with that Gentleman.

It is not my intention to enter into a full detail of all the transactions connected with our mission for time will not allow, and we shall be in Austin so soon as the Court adjourns at this Place, which will be on Friday or Saturday next, when a full exhibit of our correspondence and communications with Gen. Arista will be made. I only deem it necessary at this time to state that no treaty or stipulation has been entered into by Gen. Arista, with us, which can in the slightest degree clash with any arrangement which may now be made with the commissioner from Yucatan—whether of a hostile or pacific character towards the government of Mexico, and that the Republic of Texas, so far as our Mission is concerned, is perfectly free and open to pursue any course which it may deem fit towards that Country. No stipulation has been entered into restraining the movements of Texas in any manner whatever, and so far we stand in the same position towards Mexico, which we have always occupied.

I will add in conclusion from many circumstances which came within the scope of my observation, that whilst Mexico has not the most remote idea of ever invading Texas Yet she has no stronger inclination to recognize our independence than when Santa Anna first marched against us with his invading army.

With the highest regard I

remain Your friend and Servt.

JOHN D. MORRIS

^aA. L. S.

MORRIS TO ROBERTS.^a

SAN ANTONIO 30th. of Sep. 1841.

To the Hon. SAMUEL A. ROBERTS

Acting Sec of State

SIR—

In compliance with your request that a full and correct statement be made of our acts and proceedings whilst acting as commissioners of this government, with General Arista, we respectfully submit the following statement.

We left San Antonio with Dr. Rafael Uribe, the Commissioner sent out by Arista, and on the tenth day afterwards, arrived at the town of Guerrero, situate ten miles [from the border] on the west side of the Rio Grande. Here being received and treated with the most marked attention, we determined to remain a few days until our horses should be sufficiently recruited for the travel to Monterrey, at which place we were informed Arista was then quartered. During the stay at the above mentioned place, a communication was received by Mr. Uribe from Gen. Arista, the purport of which inasmuch as we have no copy, you can readily conceive from the following note, which we addressed to Mr. Uribe.

[JULY 18, 1841.^b]

To Dr. RAFAEL URIBE—

SIR—

We have been informed this morning by Col. J. N. Seguin that you have received a communication from Gen. Arista, expressing some surprise that he (Col. Seguin) should have visited this frontier in the character of a commissioner from the Republic of Texas, and requiring him not only to communicate to you the object of his mission, but to remain here until further intelligence from Gen. Arista should be had.

Of the object of Col. Seguin's visit we presume he will himself inform you. That he is charged with a commission from the Gov. of Texas, is an error, for the undersigned as you will see by the accompanying passport are the bearers of that Commission.

We do not hesitate to say that the Communication of Gen. Arista has surprised us, for with every confidence in his well established Character for ability and honor, we could not otherwise than suppose that the same courtesy and protection extended in Texas to his Commissioner would have been reciprocated to us, not do we yet doubt it, when he should be correctly informed upon the matter.

Gen. Arista cannot for a moment presume that we have in view or intend to broach the question of the recognition of the independence of Texas, or that of peace between the two Governments. These are

^a A. L. S.^b See Arista to Van Ness and Morris, August 8, 1841.

subjects alone for the consideration of the high powers of the Nation. The business entrusted to us by the Gov. of Texas relates exclusively to the affairs of the frontier under the Command of Gen. Arista and will be laid before him at such time and place as he may see fit to appoint. Far would it be from us or from the Government we represent to propose to Gen. Arista or expect of him aught that would be inconsistent with or in the least compromise the high character he sustains as an Officer of the Mexican Government, and we cannot but regret that he should have been induced by an erroneous impression to delay a more immediate and direct communication with him. When he shall facilitate to us the means of a fair understanding and full exposition of our instructions, he will find that any propositions we may make will be within the scope of his authority dictated by honor, and not only compatible, but consequent to a state of honourable hostility. In the meantime we will await at this place further intelligence from Gen. Arista.

We will here take occasion to say that the rumours of the approach of a Texan force, to attack this frontier are entirely groundless. Nor will any party authorized by the Government of Texas make an exhibit or commit any act of hostility during our visit. Should any depredations be committed, we can assure you that this will proceed from unauthorized banditti.

With the highest regard we remain

Your Obt. Servts.

C. VAN NESS

J. D. MORRIS

Before receiving a reply to the above communication, and whilst we were still in Guerrero, Col. Jose Maria Carrasco, an officer of the Mexican army, arrived at that place bearing despatches from Gen. Arista, together with letters written by Arista to Carrasco. In which after enjoining upon Col. Carrasco, to treat the Texan Commissioners, with the most marked attention and politeness, he authorizes him to enter into a formal negotiation with us, ascertain the object of our mission and give us our final answer—expressing at the same time his full confidence in the skill and ability of Col. Carrasco and his intimate acquaintance with his (Arista's) plans in relation to this Country. Col. Carrasco waited upon us at our quarters, and after a long and on his part, as it seemed to us, very confidential communication, he desired that we should reduce to writing the main features of our mission, that we might more fully understand each other, which was done.

Before giving you those written communications, I will premise by a short history of the impressions made upon me by repeated conversations with Colonel Carrasco.

He is a young Officer of great popularity and promise in the Mexican army, and was engaged in the past year in negotiating the treaty with Canales and the Federals, and is suspected by many of being strongly inclined to the liberal side. He told us that the whole country North of the Sierra Madre was then and had been in a state of violent Commotion and agitation, that the federal cause far from being smothered and destroyed by the events of the past year had only been depressed for the moment, in order that it might break out in a form which would give a greater guarantee of success, and from many observations which dropped from him, from the high stations, which Canales and Cardines^a now occupy, both as officers of that country, and in the estimation of Gen. Arista our conclusion was that the treaty with Canales was simply an arrangement between him and Arista, that the federal cause which was then rather desperate, should be depressed for a while again to rise at a more favourable opportunity, under the guidance and with the assistance of Gen. Arista. Such are our impressions in relation to that treaty, but whether the result contemplated by the Federalists in its negotiation will ever be accomplished is, so far as I could ascertain a doubtful matter. The two principal and prominent characters now in Mexico, are Gen. Santa Anna and Gen. Arista, both men of much military fame, both men of unbounded ambition, both aiming at the presidential Chair, and two more violent opponents both personal and political, perhaps never lived. It is thought that the power and influence of Santa Anna even by the friends of Arista, is much greater than that of Arista, and that should no unforeseen event take place, that he will be the next president and of course Arista be immediately crushed. But in the many changes, and revolutions which almost daily transpire in the Country, Arista's chance with but one single opponent is considered to be good. Such is the position in which Arista stands, with but one single opponent to the presidential chair, and this peculiar position may account [for] certain matters in relation to our mission which might be otherwise difficult to explain. Col. Carrasco unhesitatingly declared, that he himself was a Federal, and Arista would head the party, in the revolution, which would break out at the very first moment when a favourable opportunity presented itself—that he was most anxious to conciliate the friendship and perhaps assistance of the Texans, etc. etc.

We were constantly enjoined to the greatest secrecy whilst treating with both Carrasco, and Arista, and great fears seemed to be apprehended least something connected with our mission might transpire, and we were requested by Col. Carrasco and Gen. Arista in our

^a Cárdenas.

written communications, which would of course be transmitted to Mexico to be as mild and conciliating as the nature of things would permit, and by the former that it would be impossible openly and publicly to concede to our propositions, but that whilst a secret negotiation might take place in which all our propositions and plans might be carried out, Still that the answer which appeared to the world, and more especially that which would be sent to Government authorities at Mexico, should contain a flat and positive refusal of all our propositions. (By the way it is difficult that a people like ourselves who have always been governed in an openhanded way, should comprehend the Mexican mode of doing business, where every thing is carried on in the dark and where no public measure is ever adopted, but one of duplicity and deceit.) In a few words I will attempt to explain. The Supreme authorities in Mexico, for many reasons are most inveterately opposed to any thing like conciliation with Texas, and even the favourable reception of any Texian in whatever capacity he might go, would be considered as a high crime in the eyes of that Government. Gen. Arista, or rather his agent Col. Carrasco, was anxious to conciliate, and to accede to our propositions, but at the same time wishes to hoodwink his government. He therefore privately entered into an agreement with us, and publicly declared his utter refusal to comply with our propositions. The truth is the whole Mexican country is in a perfect ferment, and on the eve of a great revolution.

Arista is still doubtful as to the probable result of this impending revolution, and with a fair prospect of the Presidential chair on one side, should he adhere to the Central cause, and the absolute certainty of his being elevated to the highest station in the nation should he espouse the Federal cause, and in case of their success. In this state of affairs Arista is halting, as to his decision, he is privately conciliating the Citizens, all of whom with but few exceptions belong to the Federal party, and inducing among them the belief that he inclines to their side, whilst all his public acts which he knows must reach to Government, would declare him the most uncompromising, and devoted Central. Hence arises the unmitigated abuse of Texas and the Texans, which daily emanates from all the newspapers, and more especially that one which is paid and supported by himself, hence his refusal to accede to our propositions, and hence the great popularity which attaches to him amongst the liberal party on the frontier and his polite and kind reception and treatment of the Texas Commissioners on that frontier.

You will find in the Copy of our Communication, to Col. Carrasco which immediately follows, the propositions which are made by us.

GUERRERO *July 25th. 1841.*

Col. CARRASCO

In compliance with your wishes as expressed in the interview of this morning, we will proceed to communicate to you frankly and explicitly the business entrusted to us by the President of Texas.

The Government of Texas has witnessed with regret the sectional and border war now existing and which has existed several years past on the adjoining Frontiers of Mexico and Texas, and which, of late, divested of almost every feature of national contest between the two countries has become little better than a system of predatory incursions and foray, attended with no other results than the pillage and ruin of unoffending citizens and settlements. This state of things is not only destructive to the interests of important sections of both Countries, but is derogatory to the character of enlightened and honourable people, and should not be allowed to continue any longer. Degrading the profession of arms into robbery and murder, it can only lead to crime and individual suffering, without tending in the least degree towards the adjustment of the difficulties between the two nations. When either party shall choose again to enter the arena of war, the contest ought to be a national one, and should be conducted in a manner consonant with the characters of the contending parties. Texas on her part will never vary from that course unless driven from it in self defense by some intolerable conduct of her adversary. Entertaining these views and believing that Gen. Arista is actuated by the high and honorable feelings which always belong to a soldier and a gentleman, and that it is only necessary to call his attention to the evils alluded to, to secure his co-operation in putting an end to them, we now propose to you a suspension of all hostilities for the present, or at least the abolishment of that petty warfare, which is calculated to engender personal feuds and revengeful feelings that may linger upon the border long after peace has been established. Should we meet with the same worthy feeling which has induced our visit and our suggestions [be] considered in a spirit of justice and liberality we presume some arrangement could be entered into which would place the relations and intercourse between the two frontiers (even though hostile) upon a higher and more honourable footing; and which while advancing the interests and conciliating the situation of many, will not compromise the character or dignity of either nation. War open and honourable war, we neither shun nor invite; but preferable and far more creditable it is, than the species of hostility now conducted. If hostile let our animosity be exhibited in a manner worthy of the advancement of the age, in which we live.

And we must take occasion to say that unless some measures are adopted which will relieve our border settlements from the continued apprehensions they are under, Texas will be forced to take retaliatory

steps. Self defence and the imperious calls of her suffering frontier will compel her to adopt that course, nor do we use this language as a menace, but in complying with our instructions. At the same time that we propose to avoid the necessity of such an event, we deem it our duty to apprise you of the consequences that will inevitably result from an adherence to the system hitherto pursued.

You cannot but be aware that even at the present time, a considerable commerce is carried on between the inhabitants of the two frontiers, and notwithstanding the vigorous efforts which have been made by the authorities both military and civil to put an end to this trade, it continues to exist. That it is beneficial to both countries cannot be denied, nor do we believe it possible effectually to check it unless at an enormous expense and trouble—an expense entirely beyond any benefits to be expected. By authorizing that commerce and protecting, instead of persecuting it we entertain no doubt but that results of the most important character could be realized by you. And as it must exist why not place it upon that footing that will enable you to derive the great benefit which must necessarily arise from it.

Such sir, are the propositions which we make on the part of our Government and for their complete fulfilment should they be conceded to by you every effort will be made on our part. But should you deem the course we propose to be unwise and impolitic, we will console ourselves during the evil consequences which must arise, with the knowledge that every thing has been done on our part to prevent them. Such an event we do not however for a moment contemplate, and shall remain,^a until convinced by your reply, that matters so evidently beneficial the Frontier of Mexico, will be immediately adopted.

We have &c etc

C. VAN NESS and J D MORRIS

In answer to the foregoing we received as we had been led to expect from our consultations with Col. Carrasco, a note the original of which is herewith transmitted, expressing his inability and unwillingness to enter into any negotiations upon the subject. But an absolute verbal pledge that so soon as the matter could be secretly arranged, the ranging parties who are now stationed on the frontier to intercept traders, and by whom our frontier has been continually harrassed, should be removed, every effort should be made to prevent any hostile movements by the citizens and that so far as they were concerned the trade should proceed free and uninterrupted.

As to the proposition in relation to the cessation of hostilities, we found no difficulty upon that point. But on the subject of the trade we found him difficult to persuade. He stated that during the last

^a Some words are omitted.

two years, the trade from the frontier limited and crippled as it had been, had reduced the Government revenue to a large amount, that the town of Matamoras which up to that time had been a flourishing and improving city had dwindled away to almost nothing and that very little more than one fourth of the revenue formerly accruing from the Customhouse at that place could now be obtained, and that hence the operations of the army had been much restricted for their principal support had been derived from this source. And it does seem to me that there is no course which this government can now pursue so well calculated to annoy and distress the Central party, on that frontier as an encouragement and promotion of the Contraband trade. For at the same time that we are ourselves receiving an immense benefit, our friends too are on the other side reaping a harvest, whilst the strength and resources of the Mexican army are being curtailed to a large amount.

We however eventually prevailed upon Col. Carrasco to concede this point, and started on our way to Texas. We had recrossed the Rio Grande, when we were overtaken by an express from Gen. Arista, bearing passports and a note requesting us to proceed immediately to Monterray.

An escort of eight men we found in readiness at Guerrero and in five days reached Monterrey where we were received by Gen. Arista with the most marked attention, and politeness.

The following is a copy of a communication which we sent to Gen. Arista after our arrival.

MONTERREY *August the 6th, 1841*

To H. E.

Dn. MARIANO ARISTA

SIR

We presume that ere this you have received the note directed by us under date of 25th ult to Col. Dn. Jose Ma. Carrasco, communicating to him the subjects encharged to us by the Govt. of Texas.

We will now respectfully call your attention to that note, believing that it is unnecessary to add anything to the points therein suggested. And although the answer of Col. Carrasco was different both in tone and tenor from what as friends of Justice and humanity we had expected, we must be excused from any reply.

While we may be fully sensible of the unjust and incorrect grounds he assumes, yet as it is not our purpose to engage in an angry and recriminating discussion, which far from tending in the least towards the accomplishment of our views, would not otherwise than aggravate existing evils, we will without further comment submit the propositions to your enlightened judgment. None but sentiments of the noblest Character and a disposition to avoid if possible an exterminat-

ing warfare, which continued and repeated agravations and injuries are fast bringing on have induced the President of Texas to make this appeal.

What were the causes or origin of the present unfortunate state of things on our adjoining frontiers, it is useless now to enquire. Suffice it to say, that that crisis has arrived, which requires the immediate and remedial influence of intelligence and chivalry, or the most disastrous effects of unbridled and revengeful passions will be felt upon the border. To avoid, if possible, this result, is our present purpose and that our efforts will be reciprocated we will not not permit ourselves to doubt.

We remain with the highest respect

Your Obt. Servts.

C. VAN NESS

J D MORRIS.

In answer to the above communication, an answer was Handed us by Arista, the original of which inasmuch as I have no correct translation, is herewith transmitted, from which you will perceive that he declares his inability, as an officer of the Mexican Government to entertain any conversation with us on the subjects set forth in our Note. We had however long and confidential conversations with Gen. Arista, in which he stated that the regular troops ranging on the frontier had always received his express orders, not to pass the Rio Nueces, which he alluded to as our boundary; and never to molest any unoffending citizens, and that these orders should be enforced. But he said that for his own protection he should be compelled to use every means in his power to put a stop to the trade. He informed us, that at present, and for a long time to come, no hope need be entertained by Texas of a recognition of her independence by Mexico, not only on account of the inveterate animosity entertained towards us, but because a Texas Campaign was always a sure means of raising money, when required by the Government. But that we might be well assured that no hostile operations would or could be made against Texas for the present.

I was particularly struck with one thing that whilst every newspaper and public Gazette in the whole country were turning with abuse against the Texas robbers, as we are called, and urging the Government and people to unite and restore the honor of the Mexican arms lost at San Jacinto, not one word was ever said about Yucatan and Talisco,^a two provinces now in a state of open revolt.

During our sojourn, some twelve days, in Monterrey, we received every attention from Arista, his officers, and all the people, and

^a Tabasco.

when we departed were escorted as far as the Rio Grande by an officer and eight soldiers.

I feel no hesitation in believing that in a very short time there will break out a terrible revolution in throughout the whole of Mexico, and the result will be the creation of a government at first purely democratic.

With this slight history of our transactions and the impressions made by our observations in that country,

I remain Your Obt. humble Servt.

JNO. D. MORRIS.

I feel it further incumbent upon me to add, that whilst we were in Monterrey two Mexicans who had been taken by a party of Texans near Goliad, and made their escape, came into town. The occurrence produced a great excitement among the liberal party, the friends of Texas, and two Americans, Drs. Tower and Cottle were in a day or two afterwards placed under arrest. The Effect of hostile movements on our part upon the frontier could so far as I could perceive result in no beneficial effect, but would render many who are now firm friends, in self defence, our most inveterate foes. Could Matamoras be destroyed, good might result for these all are Centrals, and all most bitter enemies to Texas.

Ys etc.

JNO. D. MORRIS.

Cuerpo
de Ejército del Norte
General en Gefé.

MONTEREY Agosto 8. de 1841.

Sres. Dn. C. VAN NESS y Dn. T. MORRIS.

Particular.

MUY SRES MIOS.

Cuando he permitido á Vdes. venir hasta mi Cuartel General, ha sido en virtud de la protesta que hicieron en la carta dirigida á Dn. Rafael Uribe, con fha. 18. del pasado, de que el asunto que traían era ageno enteramente de la cuestion que se versa entre el Supremo Gobierno y sus Colonias sublevadas.

Veo qe. en la carta de Vdes. fecha de ayer,^a que contesto, se tocan puntos que sin duda afectan aquel principio, y naturalmente debo no investigarlos, reduciendo mi contestacion á lo siguiente.

La contienda de que se trata, tiene el caracter de intestina: no cabe duda alguna en que Tejas pertenece á Mejico y en que los habitantes de aquel territorio se han alzado contra el Gobierno legítimo. Claro es, que, no debe presumirse que existen derechos que las Naciones respetan cuando se hacen la guerra entre sí; ni menos debe acudirse á las reglas del derecho internacional.

^a The date was the 6th.

Sentados estos principios, ninguna clase de relaciones ni convenios pueden entablarse, sinó tienen por base, *la sujecion de esos paises al Gobierno de Mejico.*

Los males y calamidades que trae consigo una guerra, son seguramente terribles, ya sea por que se hagan las hostilidades parciales y estacionarias, ya por que sean energicas y decisivas: no puede esperarse, por tanto, que tal situacion sea á gusto de las partes contendientes y esto explica el estado actual de la frontera, de que se lamenta Tejas.

Sin embargo, aseguraré á Vdes. que el General que manda las tropas Mejicanas en la frontera, conoce las leyes de la guerra, y obrando con arreglo á ellas, á las instrucciones de su Gobierno, y al espiritu del siglo, jamas ataca á los Ciudadanos inocentes, y respeta los derechos de la humanidad; tanto mas, cuanto que está persuadido que en Tejas existe gran numo. de individuos pacificos, que, en el fondo de su corazon, desean volver á la obediencia de la Republica.

Veo pues, de lo escrito y de lo que hemos hablado, que nada se adelantará en este asunto, que las hostilidades seguirán y que quizá pronto vendrá el dia en que esta cuestion tenga el desenlace que deseamos todos los Mejicanos pa. honor de nuestra patria.

Juzgo que hemos concluido nuestras conferencias y que Vdes. pueden regresar á Tejas, seguros de que sus personas no seran molestadas en su transito y de que en lo particular me ofrezco, como su mas atento y afmo. ser[vid]or. q. b. ss. mm.

MARIANO ARISTA
(Rúbrica)

BRENNHAM AND COOKE TO SECRETARY OF STATE [ROBERTS].^a

ALENDE ^b STATE OF CHIHUAHUA, *Mexico Novr 9th 1841*
to the SECRETARY OF STATE
OF THE REPUBLIC OF TEXAS

SIR

In accordance with our instructions, we avail ourselves of the first opportunity that has occurred since our departure from Austin, of reporting our situation, together with the progress and circumstances attending the expedition upon which we embarked. It is with regret that we are under the necessity of detailing occurrences so little anticipated by our Govt. and so disastrous to the Expedition in which we engaged: but a sense of duty in obedience to our instructions urges [us] to adopt the earliest means of conveying to you a correct account of the causes which led to the defeat of the Santa Fe

^a See Records of Department of State (Texas), Book 42, pp. 61-66.

^b Allende.

Expedition. Our present circumstances compel us to be brief in the narration.

After many unexpected delays and embarrassments, that retarded our march beyond the time anticipated for our arrival in Santa Fe, we at length on the 29th August, reached a point on the Palo Duro a tributary of Red River beyond which there was apparently no further means of progressing with the wagons accompanying the command. Previous to this time, on the 11th Mr Howland our guide, was sent forward with two men, bearing a communication to Mr. Dryden our colleague in Santa Fe; we being at the time under the impression that we were within one hundred miles of that city—judging from the information of a Mexican whom we had also employed as a guide, who was a native of Taos and appeared to be familiar with the country through which we were passing. A few days after the departure of Howland the Mexican suddenly deserted in company with a private an Italian named Brignoli. On our arrival at the Palo Duro, the commissary reported but five days rations of beef, other rations exhausted. The country in advance of us appeared impassable for waggons—and Indians in large numbers had made their appearance in the vicinity of our camp. Under these embarrassing circumstances, when further progress with the entire command and train seemed impracticable, it was concluded that the undersigned, a majority of the commission should proceed forward with one third of the escort to the nearest settlement to procure supplies and guides to furnish and conduct the troops into New Mexico. We left Camp accordingly on the 31st August with 75 soldiers under the command of Capt Sutton—who with merchants and others formed a body of 97 men. It was our expectation on leaving camp that we should arrive at settlements or strike a road that had been described to us leading to San Miguel, in five days march—but we saw no human being nor any sign of civilization until we reached the Mora a branch of Red River on the 11th Sept, where we met with some Mexican traders. They informed us that we were about 80 miles distant from San Miguel and that there was a wagon road leading from that place to within a short distance of our camp. We immediately sent back two of them with orders to Genl McLeod to destroy the baggage wagons and follow us with all despatch. We continued our march and on the 14th Mr. G. Van Ness our Secretary was despatched ahead to San Miguel to communicate with Mr Dryden whom we expected to meet there and to gain some information respecting the condition of the country. He was also directed to make arrangements for procuring supplies. He was accompanied by Maj. G. T. Howard, Capt W. P. Lewis, Mr Fitzgerald, a merchant of San Antonio and Mr Kendall of New

Orleans.^a Our horses being worn out with long marches we could advance but slowly. On the 15th we arrived on the Pecos at a settlement called Anton Chico, twenty miles from San Miguel. Several hours after our arrival at the place, we were visited by a Mexican officer (Capt Salazar) who had just arrived at a ranch on the opposite side of the river with seventy armed men. He informed us that the Governor of New Mexico was advancing towards us with a large force, and had ordered him on to intercept our march, ascertain our business in the country and require us to lay down our arms. We declined holding any communication with him in regard to the object of our visit, but informed him that we came with no hostile intentions toward the citizens of the country and positively refused to lay down our arms. We concluded however to remain at Anton Chico until we received some intelligence from Mr Van Ness, who the officer informed us had proceeded on to meet the Govr attended by an escort. On the 16th we had another interview with the officer, who was told that unless we received some information from Mr Van Ness by the next morning we should proceed to San Miguel. He agreed to despatch a courier instantly to Mr Van Ness with a communication requiring his return, and said that on the following day he would cross the river with his men and encamp in our vicinity as an evidence that he was friendly disposed towards us. Up to this time no event had occurred that could justly excite feelings of hostility against the people we had met who had been treated by our men with the utmost courtesy. The provisions we had received had been paid for at double their customary value. On the 17th the officer called on us again with an express from the Governor requesting us to pause until the arrival of that functionary or to go on without our arms. He stated that the Govr was advancing at the head of five thousand men and would be at Anton Chico the next day. He left us and about 1 O'clock P. M. commenced crossing the river about half a mile below us. After crossing he marched up and took a position in our front with about three hundred men. The manner of their march and the position they assumed caused us to suspect their intentions and Capt Sutton was ordered to put his men in order for battle. We were at this time in a very strong position in a ditch on the bank of the river, from which we could have successfully repelled an attack of a thousand men so long as ammunition lasted. About an hour after the officer abovementioned had taken his position, another body of Troops under the command of a Colonel crossed the river above us and formed a junction with the first party, making in all about six hundred men. There was

^a George Wilkins Kendall, editor of the *Pleayune*. Kendall has given a narrative of the affairs in his work entitled "The Santa Fé Expedition."

no longer any doubt as to the intention of the Mexicans and we were momentarily expecting a conflict, when Capt Lewis galloped over to us in company with Don Manuel Chavis kinsman and confidential agent of the Governor with authority to demand our surrender upon the following terms—That we should immediately give up our arms and remain at Anton Chico as prisoners of war on parole, until such time as supplies could be obtained for the subsistence of our Troops in returning to Texas, that on no condition could we be allowed to proceed further into the Mexican territory, but that as soon as provisions were procured we should be escorted beyond the frontier, where the arms, horses and private property of the officers and men should be restored to them. These terms were offered by Mr Chavis, with the most solemn pledges for their fulfillment, seconded by the assurances of Capt Lewis in whom at that time we reposed the utmost confidence. Capt Lewis informed us that he had proceeded with Van Ness and Howard in the execution of our orders—that on the road beyond San Miguel they were suddenly surrounded and taken prisoners by a large party of rancheros, were all tied and about to be shot, when some *explanation* he (Lewis) made caused the Mexicans to desist from their purpose and conduct them on to the Governor who was rapidly advancing. On meeting his Excellency Capt Lewis was released on parole and sent back to us with Mr Chavis, where they arrived just in time to prevent bloodshed. Capt Lewis stated that the people of the country were all arrayed in arms and greatly exasperated against us, in consequence of the false reports circulated among them in regard to the object of the expedition, by the deserter Brignoli who had been several days in Santa Fe—that he had left the Governor in twelve miles of Anton Chico with two thousand troops, better armed and disciplined than any he had ever seen, his numbers augmenting hourly by the accession of Militia and that in twenty four hours we should be surrounded by more than four thousand men. He also stated that Mr Dryden had left Santa Fe some time previous—that Howland had arrived in the City with his two companions (Baker and Rosenbury) and after remaining a few days, had disappeared under circumstances that excited the Govs. suspicions and caused them to be pursued—that it was utterly impossible at that time to conciliate the minds of the people in our favour and the only means of saving the lives of the whole party was an immediate surrender and acceptance of the terms proposed by Mr Chavis.

Under these circumstances—without provisions for our men, our horses broken down by long and weary marches, deprived of any hope of aid from our main body by a distance of two hundred miles, with an enemy before us with more than five times our numbers and

should we be victorious in the present fight of which we had no doubt, the prospect of being attacked by several thousand fresh troops in less than twenty four hours—in this situation and considering that we were specially instructed to avoid hostilities should the people themselves be opposed to us, we concluded the best and most prudent course we could adopt was an acceptance of the terms proposed, and consequently we surrendered. We soon had to experience a new illustration of Mexican falsehood and treachery; for we had scarcely yielded our arms, when the conditions of our surrender were violated, and in fact not one single article of the capitulation was respected, except the sparing of our lives and that only after a whole night's deliberation in council. Governor Armijo arrived at Anton Chico on the 18th attended by *near one thousand* men as indifferently armed and as little like soldiers in appearance and movement as could easily be imagined. Tho we made several efforts, we never succeeded in obtaining an interview or having any communication with the Governor. Our arms, horses and private property were distributed among the Mexican soldiers, and instead of being permitted to return to Texas, we were hurried off on the 19th escorted by several hundred Mexicans and Indians, on the road to the City of Mexico. On the same day the Governor departed at the head of his troops and accompanied by Lewis for the purpose of attacking Genl McLeod or as we apprehended of practising upon him the same scheme of deception that had been so successful with us.

It was with reluctance that we admitted suspicions of the integrity of an officer with whom we had associated so intimately and trusted so implicitly as Capt Lewis, but his treachery is now made manifest and placed beyond a doubt. We discovered that he had not only been guilty of falsehood in his representations of the condition of the country and the character and number of the Govs. troops, but he had been released from all restraint with a passport to travel where he pleased in the country, and a license from his Excellency to introduce any amount of goods into N. Mexico. His own admissions after our surrender, the intelligence we received from Mexicans and the change in his deportment toward ourselves were conclusive evidence to us that we had been duped by a *traitor*, and that Lewis had purchased his own safety at the expense of our liberty, his country's interest and his own honor. This opinion was confirmed at Chihuahua, where we learned that Gov. Armijo had mentioned the treachery of Lewis in an official despatch. On the morning of our departure from Anton Chico, we were informed that Howland and his companions were overtaken a few days previously in the mountains attempting to make their way to us, and captured after killing a Mexican. They were taken to San Miguel and shot on the 19th. Had Howland suc-

ceeded in making his way to us before Lewis arrived, our expedition would have terminated differently. We were informed that Howland was offered his life on condition that he would co-operate in the villainy of Lewis, but he refused the base proposal with scorn and contempt and died a brave and honorable man—his best eulogy is the manner of his death. We have no time to recite to you the privations and indignities we have endured together with the soldiers who have frequently on the march been treated with great brutality. We are now on our way to the City of Mexico entirely uncertain as to the fate that awaits us. We know nothing concerning Van Ness and his companions except that they were imprisoned on their arrival at Santa Fe. No respect was paid to Mr Kendall's passport. Mr Dryden was arrested in Chihuahua immediately on the reception of the documents taken with us in consequence of his name being in the commission and instructions. Messers Rowland and Workman left N. Mexico several months since for California. Orders have been sent to that country to kill them wherever found. This order has been given in consequence of a copy of the instructions sent last year to N Mexico, being found among our papers. We were informed yesterday that a courier had arrived from Santa Fe bringing intelligence of the surrender of Genl McLeod with 182 men to Gov Armijo. Genl McLeod, Mr Navarro, three Captains and Surgeon are said to be now on the route to Mexico and will overtake us in a few days. We know nothing of the circumstances or conditions of the surrender but suspect it to have been influenced by the agency of Lewis. We here deem it proper to state that during our stay in the City of Chihuahua we were treated with great kindness by the Governor and citizens, and we are much indebted to the Americans and other foreigners residing there for the hospitality they manifested to us and the men. Whilst in that City we obtained from Dr Henry Conelley \$1339.00 on the credit of our Govt. for the purpose of supplying the men with clothing subsistence and transportation. Prisoners in this country, as far as our observation has extended, depend entirely on the charity of the people for subsistence as the Govt. makes no provision for their support. On our arrival at the City of Mexico we shall be obliged to call upon some of the friends of our Govt. for the means of subsisting and clothing the men. And we therefore respectfully suggest that Congress be recommended to make an appropriation to supply their necessities.

We have thus endeavored to give you an outline of the events that have brought us to the situation in which we are now placed in order to correct the fabulous statements put in circulation by the Mexican Authorities concerning us, and that our Govt. may adopt such measures as its judgment may dictate for our relief. Our present condi-

tion and the uncertainty of conveying intelligence from this country precludes us from presenting at this time a more comprehensive account of the Expedition, or transmitting to your department, such information as we have obtained in regard to this country.

We have the honor to be

very Respectfully

Your Obt. Servts.

RICHARD F BRENHAM

WM. G. COOKE

BEE TO SANTA ANNA.^a

HAMILTON TO SANTA ANNA.^b

SANTA ANNA TO BEE.^c

SANTA ANNA TO HAMILTON.^d

HAMILTON TO SANTA ANNA.^e

HOUSTON TO SANTA ANNA.^e

DAINGERFIELD TO JONES.^f

DAINGERFIELD TO JONES.^g

ORDERS TO SOMERVELL.^h

^a December 27, 1841. See Calendar.

^b January 13, 1842. See Calendar.

^c February 6, 1842. See Calendar.

^d February 18, 1842. See Calendar.

^e March 21, 1842. See Calendar.

^f April 1, 1842. See Calendar.

^g April 15, 1842. See Calendar.

^h October 3, 1842. See Calendar.

SPECIAL ORDER TO SOMERVELL.^aSOMERVELL TO HAMILTON.^bHAMILTON TO SOMERVELL.^cSOMERVELL TO HOUSTON.^dHAMILTON TO SOMERVELL.^eHAMILTON TO SOMERVELL.^fHAMILTON TO HOUSTON.^g

[JONES] TO HAMILTON.

DEPARTMENT OF STATE
Washington Decr. 26th 1842

General JAMES HAMILTON

SIR,

I have the honor, by special direction of the President to acknowledge the receipt of several letters, written by you to him, during the month of Novr. on the subject of a proposed secret negotiation with Gen. Almonte, for the cession of Texas to the United States etc, with a view of the Ultimate procurement of her independence. Your communication of the 25th Novr. Ult. written at Columbus (Geo.) to this Department and contain[ing] a detaild account of your agency in the seizure of the Steam frigate Montezuma, and of its subsequent liberation by the Authorities of England, has also been recieved.

In reply to your request to be employed as an agent of Texas in a secret negotiation with Gen. Almonte, I am instructed to inform you that the Government of this Country being represented by official-functionaries at the different Courts, with which it has interests or friendly relations to promote, the President declines employing your

^a October 13, 1842. See Calendar of Correspondence with Mexico.^b November 7, 1842. See Calendar.^c November 9, 1842. See Calendar.^d November 14, 1842. See Calendar.^e November 19, 1842. See Calendar.^f November 21, 1842. See Calendar.^g December 14, 1842. See Calendar.

agency in any manner whatever. Other reasons exist for this conclusion, some of which are connected with the public policy of the country alone, and cannot at this time be properly communicated to you, and some having relavence to your individual disqualifications, which will be given you, if requested.

In compliance with an assurance therein given, the President directs me to furnish you the following copy of an extract of Mr. G. W. Terrill's letter to Mr. Ashbel Smith. This letter is dated Decr. 7th 1842, and was written while Mr. Terrill was discharging in my absence the duties of Secretary of State.

[Here follows the instruction "(Copy Extract)." This direction does not indicate how much was to be copied; but the extract was doubtless intended to include the paragraphs relating to Hamilton's share in the efforts to detain the Montezuma and Guadalupe and his request to be empowered to treat with Almonte.^a]

I have the honor to be
with the highest respect
Your Most Obt. Svt.

SOMERVELL TO HILL.^b

HOUSTON TO SECRETARY OF STATE [JONES].^c

WASHINGTON, *10th. June, 1843.*

To the Honorable, the SECRETARY OF STATE:

SIR—You will say to our chargés d'Affaires that, in referring the termination of our difficulties with Mexico to the friendly mediation of the governments to which they are accredited, we have given earnest of our desires for peace.

If peace is not concluded before the next session of Congress, or Mexico informed by those powers that she must confine herself to the West side of the Rio Grande, Texas will assume an offensive attitude, with all the means she can command, and will not feel restrained from the employment of auxiliary aid in the prosecution of the War, unless she can have peace or a satisfactory armistice previous to the anticipated foray in September. Her action will be an united action and the limits of her enterprise will not be bounded by the Rio Grande nor any other point. The region of Santa Fé will be one point from which our operations will progress. Texas can and will

^a See the letter referred to—Terrill to Smith, December 7, 1842.

^b February 1, 1843. See Calendar.

^c See Records of Department of State (Texas), Book 40, p. 257.

marshal an army there which will overrun the country dependent upon that point of territory.

Mexico, or at least the North Eastern portion of it, is subject to constant and most destructive inroads from powerful tribes of Indians. They make their forays beyond Monclova, Saltillo and near to San Luis Potosi and on the Lower Rio Grande in sight of Matamoros. In our treaties with the Indians we have not sought to stimulate them to the massacre of the Mexicans, but, on the contrary, have sought to inculcate a different course. Mexico has waged a savage war against us, and in their forays they have associated with their regulars untutored savages. If war is begun by Texas it will necessarily be a war of *retaliation*. If another foray is made by Mexico, it will not be possible to restrain the people of Texas. And though I have heretofore sought a pacific policy, under the most annoying circumstances, if the war is necessarily begun again, I will use all my energies in sustaining it and ensuring success to our arms.

The feeling of Texas is decidedly in favor of war. I have deferred the measure with due respect to the powers to whom we have protested against the course of Mexico, thus long, with the hope that another resort to active war would not be necessary and that their mediation would be successful. I yet hope it may not fail.

I have the honor to be,

Very respectfully, Your obt. servt.,

MEXICAN PROPOSITIONS FOR PEACE MADE THROUGH JAMES W. ROBINSON.^a

HILL TO HOCKLEY AND WILLIAMS.^b

HOUSTON TO HOCKLEY AND WILLIAMS.^c

WASHINGTON, *February 3d, 1844.*

To Messrs. HOCKLEY and WILLIAMS,

Commissioners, etc., etc., etc.

GENTLEMEN,—I have had the pleasure to receive your communications and to peruse with attention their contents. I regret very much that matters had not been consummated; but we can not have things always as we desire.

^a March 27, 1843. See *Niles' Register*, LXIV, 97; *The Red-Lander*, April 15, 1843; *The Morning Star*, April 1, 1843.

^b September 26, 1843. See Calendar.

^c See Records of Department of State (Texas), Book 40, pp. 328-329-330.

I trust that the additional instructions that will be forwarded to you from the War Department will lead to a consummation of your efforts to effect a truce.

If it be possible so to arrange it, as to obtain the admission of the fifth article, as presented by you, I entertain no doubt but that you will do so, agreeably to the suggestions of the Secretary of War.

I can not perceive any reasonable motive that the Mexicans could have in passing troops over the Nueces river. The very fact of that concession being made, would be calculated to irritate our people and render the duration of the truce more precarious than it otherwise would be. And as it is the desire of this government to maintain the most perfect good faith in relation to any stipulations that may be entered into, I am anxious to obviate every impediment to the attainment of that object. But if nothing else can be done, and it should be necessary so to do, you will admit the article in question as presented by the Mexican Commissioners, and as communicated by you to this government.

In stipulating for commissioners to go to the city of Mexico, you will embrace *one or more* commissioners; for it might so happen that the amount appropriated by Congress would not authorize the employment of more than one.

Another subject, which you are aware is of deep concern to the people of this country, is that of the liberation of our prisoners. You will perceive, and the Mexican commissioners ought also, that negotiations for a general peace, under an armistice, would progress much more agreeably if the prisoners were restored to their homes. You know that there are many men in every community who seize upon every pretext for keeping up excitement, which is always unfavorable to the attainment of the ends of peace.

At the present moment there is a better foundation on which to establish friendly relations with Mexico, than has heretofore existed. You are aware, and I presume Mexico is likewise, that influences from abroad are rather calculated to excite a spirit of war in this country than to calm the troubled waters. If our prisoners were restored without further delay, it would to a great extent counteract these influences and produce a desire for reconciliation with Mexico.

So far as the government of Texas was concerned, the Mexican prisoners in Texas were all released. There is not a Mexican held in bondage in the Republic. There are many engaged in voluntary employments, but they cannot be constrained to serve for a single day beyond their own inclination. Several of them are married and settled in this country; and you know very well that we have not the power of disfranchising such as may choose to become citizens. Our constitution guaranties to Mexicans the same rights it does to Anglo-Saxons.

Furthermore, forty odd Mexicans were captured by Snively and received immediate liberty. Mexicans have not only been treated by this government with liberality, and lenity, but when our government was very poor, there were no less than two cartels sent to Matamoros, at considerable expense.

These are facts within your knowledge, Gentlemen; and it cannot be supposed that the Mexicans who were prisoners, and placed at liberty, by this government, could now be compelled to leave this country, after voluntary domiciliation. My proclamation offering convoy to all such as wished to exercise their liberty in returning to Mexico, was based upon an assurance through the British Chargé d'Affaires that corresponding liberty would be given as well as convoy, to all Texians held as prisoners by Mexico. The guaranty of England to this effect, I presume will be verified by the correspondence upon the subject.

It is my earnest desire, as you well know, to see harmony established between the two countries. They have everything desirable to gain by it. By a renewal of hostilities and continuance of war, Mexico might obtain temporary advantage, but ultimately she would ascertain that she had everything to lose and nothing permanent to gain. It would be as reasonable to suppose that the waters of the gulf would slumber unagitated by the winds as to imagine that Texas could be subdued and remain in a state of quiescence.

After years of toil and suffering, and when millions of treasure had been lavished, the power of Mexico would be impaired; while Texas, (by the influence of immigration and the attraction which her peculiar situation would present to military enterprise, with feelings embittered by protracted war and its attendant calamities), would be a much less desirable neighbor to Mexico than were we now to establish and cultivate amicable relations between the two countries. I still hope for peace; more for a love of it, and a desire to see communities as well as individuals happy, than from a dread of war.

Congress has adopted a resolution to-day to adjourn on the 5th. instant. I need not attempt to give you the detail of their proceedings.

The revenues of the last year have more than supported the government; and though the President receives very little thanks for it, he will nevertheless endeavor to render the next year equally available to the interests of the country.

There is said to be much excitement in the United States in relation to annexation; and I doubt not that you have seen the United States President's message on the subject of the relations of Texas, Mexico and that government.^a

^a See Richardson, *Messages and Papers of the Presidents*, IV, 260-262.

You will oblige me by presenting my salutations to Gen. Woll, and assure him of my high appreciation of him as a soldier and a gentleman; and express a desire on my part that our relations may never be less courteous than when we dined together at Col. Milton's in New Orleans.

I am, gentlemen, with my regards,
Very truly your friend,

ARTICLES FOR ARMISTICE BETWEEN MEXICO AND TEXAS.^a

WOLL TO HOUSTON.^b

HOUSTON TO SANTA ANNA.^c

HILL TO WOLL.

DEPARTMENT OF WAR AND MARINE
Washington, Texas, July 29th. '44.

SIR:

I have the honor to acknowledge the receipt, by His Excellency, the President of this Republic, of your communication dated "Mier 19th. June 1844," announcing to this Government the fact that His Excellency, the President of Mexico had declared a renewal of hostilities against Texas to take date from the 11th. of the same month etc. etc., a reply to which is herewith enclosed addressed to His Excellency General Antonio Lopez de Santa Anna,^d which it is desired may be transmitted to him with as little delay as may be compatible with convenience.

Accept assurances of the
high regard with which I
have the honor to be
Your Obt. Servt.

Signed G. W. HILL
Sec. War and Marine

To General ADRIAN WOLL

Matamoras

^a February 15, 1844. See *Niles' Register*, LXVI, 97-98; *The Morning Star*, April 23, 1844; *Telegraph and Texas Register*, April 24, 1844, inclosed with Neill to Jones, March 10, 1844.

^b June 19, 1844. See Calendar of Correspondence with the United States in Part I.

^c July 29, 1844. See Calendar of Correspondence with the United States in Part I. Many other letters calendared in that correspondence deal with the relations between Mexico and Texas.

^d The reply was from President Houston and it bore the same date as Hill's letter. See Calendar.

SHANNON TO REJÓN.^a

REJÓN TO SHANNON.^b

SHANNON TO REJÓN.^c

REJÓN TO SHANNON.^d

SHANNON TO REJÓN.^e

POTTER TO SMITH.

WASHINGTON —

18th March 1845.

To the Hon

ASHBEL SMITH

Secretary of State

SIR,

A resolution was passed by the House of Representatives during the last session of Congress for publishing the correspondence which took place in carrying out a secret act of the previous session for the Relief of the Texian Prisoners, with the suppression however of the names of those persons who aided in the business and are still residing in Mexico.^f

The suppression merely of the name of Mr. Hargous would I think avail but little in keeping his agency in the matter unknown, since every circumstance mentioned as occurring in Vera Cruz would point to him so plainly that the authorities there could not err as to the individual referred to. As Mr. Hargous made it an express condition with me, when he accepted the agency that his doing so should not be made public, I think our Government would be acting in bad faith by carrying out the resolution of the House; and some remarks in the correspondence are so pointed against the indiscreet use of the press, too common in Texas, that the very letters would condemn their own publication.

^a October 14, 1844. See Calendar of Correspondence with the United States in Part I.

^b October 31, 1844. See Calendar of Correspondence with the United States in Part I.

^c November 4, 1844. See Calendar of Correspondence with the United States in Part I.

^d November 6, 1844. See Calendar of Correspondence with the United States in Part I.

^e November 8, 1844. See Calendar of Correspondence with the United States in Part I.

^f For the resolution, see *House Journal*, 9th Tex. Cong., 1st Sess., p. 381.

I have therefore to request that the resolution referred to may not be carried into effect, not only for the reasons above stated, but because I do not consider it binding on the Govt. or at this time necessary for the satisfaction of the public.

I have the Honour to be
Very Respectfully
Yr. obdt. Servt.

REUBEN M. POTTER
Late Secret Agent to Mexico.

MEMORANDUM OF CONFERENCE BETWEEN SMITH, ELLIOT, AND SALIGNY
FOR ADJUSTMENT OF TROUBLES BETWEEN MEXICO AND TEXAS.^a

CONDITIONS PRELIMINARY TO A TREATY OF PEACE BETWEEN MEXICO AND
TEXAS.^b

MEMORANDUM OF UNDERSTANDING BETWEEN SMITH, ELLIOT, AND
SALIGNY.^c

JONES TO ELLIOT.^d

ACCEPTANCE BY MEXICO OF CONDITIONS PRELIMINARY TO A TREATY WITH
TEXAS.^e

ADDITIONAL DECLARATION OF MEXICO AS TO CONDITIONS PRELIMINARY
TO A TREATY WITH TEXAS.^f

DE CYPREY TO JONES.^g

JONES TO DE CYPREY.^h

^a March 29, 1845. See Jones, *Memoranda and Official Correspondence*, 473-475.

^b March 29, 1845. See *Senate Journal*, 9th Tex. Cong., 2d Sess., pp. 89-90; copy inclosed with De Cyprey to Jones, May 20, 1845.

^c March 30, 1845. See Jones, *Memoranda and Official Correspondence*, 475.

^d March 31, 1845. See Calendar.

^e May 19, 1845. See *Senate Journal*, 9th Tex. Cong., 2d Sess., pp. 90-91; copy inclosed with De Cyprey to Jones, May 20, 1845.

^f May 19, 1845. See *Senate Journal*, 9th Tex. Cong., 2d Sess., p. 92; copy inclosed with De Cyprey to Jones, May 20, 1845.

^g May 20, 1845. See Calendar of Correspondence with the United States in Part I.

^h June 6, 1845. See Calendar of Correspondence with the United States in Part I.

CORRESPONDENCE WITH YUCATÁN.

INSTRUCTIONS FOR PERAZA.^a

MOORE TO COOKE.^b

DECREE OF CONGRESS OF YUCATÁN CONCERNING THE ZAVALA.^c

YUCATÁN DECLARATION OF RIGHTS.^d

LAMAR TO THE GOVERNOR OF YUCATAN.^e

Letter

To the Governor of the State of Yucatan 20 July 1841.

REPUBLIC OF TEXAS

EXECUTIVE DEPARTMENT

Austin 20th. July 1841

To His Excellency the GOVERNOR OF THE
STATE OF YUCATAN.

MOST EXCELLENT SIR,

In reading over the Correspondence of Commodore Moore while commanding the Texan squadron on its late Cruize in the Gulf of Mexico, I have experienced the most sincere and lively Gratification in discovering the many evidences it affords of the kind and friendly sentiments entertained by the Authorities of the State of Yucatan toward the Government and people of Texas; and I now beg leave to assure you sir, that every expression of friendship and regard which has been uttered in your State towards us is most cordially and sincerely reciprocated on our part.

^a August 24, 1840. See Rejón to Secretary of State, January 18, 1842 (in defense of conduct of Yucatán toward Texas).

^b August 28, 1840. See Calendar.

^c September 1, 1840. See Rejón to Secretary of State, January 18, 1842 (in defense of conduct of Yucatán toward Texas).

^d March 12, 1841. See Rejón to Secretary of State, January 18, 1842 (in defense of conduct of Yucatán toward Texas).

^e See Records of Department of State (Texas), Book 39, pp. 394-95.

It has been my earnest desire to establish with the States of Yucatan, Tobasco and such others as may throw off the Yoke of Central despotism in Mexico, relations of amity and friendship, and to show the disposition of this Government to reciprocate in the fullest manner, every evidence of good will manifested by the Federalists of Mexico towards this country, I hereby have the pleasure of declaring to you, and of making known to your Citizens, that the Ports of Texas are open to the vessels and Commerce of Yucatan upon the same terms as we extend to the most favored nations, and that this Govt. will require of its Citizens the faithful performance of all contracts, obligations, or compromises which they may enter into with the citizens and subjects of Yucatan.

Should it be the desire of your Excellency and of the Congress of Yucatan to enter into more permanent, and specific relations of Amity friendship and Commerce with the Government and people of Texas, I have only to assure you that we shall be happy to receive from you, an agent duly accredited for that purpose; and that we will be prepared to enter into such negotiations and arrangements with him, as will be mutually beneficial, and result in securing a full and complete acknowledgment of the respective rights of both Countries from those who are now our enemies.

I avail myself of this occasion to express to the people of Yucatan through your Excellency, my sincere wishes for their prosperity and happiness, and of offering to you personally, assurances of the distinguished regard with which

I have the honor to be

Your Excellency's

Most Obt. Servt.

MIRABEAU B. LAMAR

BARBACHANO TO PRESIDENT OF TEXAS [LAMAR].^a

EXCMO SEÑOR.

Al dispensar este Gobierno, sus autoridades subalternas y el comun de los pueblos q. mandan, al Señor Moore, Comodoro de la escuadra de esa República, las distinciones con que fué considerado en su estada en los puertos de esta Península, obraron por un acto simultaneo de simpatia.

Yó al persuadirme por la expresiva nota q V. E. me dirigió con fecha 20, de julio último, del aprecio que ha hecho de aquellos actos, me he llenado de la mayor complacencia, y esta se aumentará teniendo ocasion de repetirlos para hacer mas ostensible q Yucatan desea estrechar sus relaciones con los Pueblos de Tejas, y unirse con ellos

^a L. S.

para sostener la causa de la libertad que han proclamado contra el gobierno opresor de Méjico.

La indicada comunicacion de V. E. la he mandado publicar por los periodicos de este Estado, á fin de q. llegue al conocimiento de todos sus habitantes, que los puertos de esa República, como V. E. manifiesta, los tiene abiertos su Gobierno para los buques y comercio de este Estado bajo la garantía de q. serán tratados como á los de las naciones mas favorecidas; y los de Yucatan en recíproca correspondencia quedan tambien francos y abiertos al pabellon y comercio de Tejas, bajo las mismas segúaridades, y sin restringir ademas el dispensar cualquiera otra consideracion aun mas extensiva.

El Sr. Coronel Dⁿ. Martin Fran^{co}. Peraza será el conductor de esta comunicacion: vá autorizado competentem^{te}. por este Gobierno y lleva instrucciones amplias para solicitar y convenir con el de esa República el que auxilie á este Estado, facilitandole su escuadra para q. unida á los buques que tiene armados, operen contra la fuerza naval que prepara el Gobierno de Méjico; y ademas, tan luego como se reunan las Augustas Cámaras q. será el 1^o. del entrante Setiembre, promoveré lo conveniente, á fin de q. se autorize al mismo Sr. Peraza p^a. entablar y establecer con esa República relaciones mas positiva, permanentes y especificas de amistad y comercio, y entrar en todas aquellas negociaciones y arreglos q. sean de nuestro beneficio y tiendan á sostener los drós respectivos de ambos territorios, hasta q. sean reconocidos por los que son ahora nuestros enemigos.

Al dirigirme á V. E. con tan lizongero motivo, tengo el honor de ofrecerle las segúaridades de mi personal aprecio.

Dios y Lib. Mérida, Agosto 24 de 1841.

MIGUEL BARBACHANO

Gob^{or}. Sup^{te}. de Yucatan
(Rúbrica)

EXCMO SR. PRESIDENTE DE LA

REPÚBLICA DE TEJAS

PERAZA TO ROBERTS.^a

AUSTIN 11. de Setiembre de 1841.

EXMO SEÑOR.

Tengo el honor de acompañar inclusa á V. Ex^ã. para que se sirva hacer de ella el uso conveniente, la comunicacion oficial de S. Ex^ã. el Gobernador de Yucatan en respuesta á la que con fecha 20. del pasado agosto recibió del Excmo Sr. Presidente de esta republica.

Los sentimientos que manifiesta en dicha comunicacion el gobierno de Yucatan, son en todo iguales á los q^e. animan á aquel pueblo, y

aspirando S. Exã. á manifestar de un modo mas explicito el deseo que tiene de cultivar y estrechar cada vez mas y mas sus relaciones con el gobierno y pueblo de Texas, me envia á tratar con el primero acerca de aquellos puntos que sean de interes comun, no solo á la politica sino al engrandecimiento y bien material de ambos paises.

Deseo, segun la orden que tengo de mi gobierno, repetir personalmente al E. Sôr Presidente de esta republica los sentimientos que animan al gobernador de Yucatan; y en tal virtud desearia yo q^o. V. Exã tubiera la bondad de indicarme el dia y hora en que pueda yo tener el honor de presentar mis respetos á S. E.

Aprovecho con este motivo la ocasion de ofrecer á V. Exã. el testimonio de la alta y distinguida consideracion con q. tengo el honor de ser de V. Exã, Sôr Ministro,

su humilde atento y muy
obediente servidor

MARTIN F. PERAZA.
[Rúbrica]

Al Hon^o. Sôr. SAMUEL A. ROBERTS
Secretario de Estado de la Rep. de Texas.

ROBERTS TO PERAZA.^a

DEPARTMENT OF STATE,
Sept 13th 1841

SIR:

Your note of the 11th Inst enclosing a communication from the Governor of Yucatan to his Excellency the President, was placed in my hands upon my return to Austin, last evening. I have hastened to lay them both before the President, and hope soon to receive particular instructions concerning the matters touched upon in these communications.

In accordance with your wish for a private and personal interview with the President, he has instructed me to say, that he will see you to day at the hour of eleven O'clock.

I avail myself of this occasion to tender to you assurances of my distinguished consideration.

SAML. A ROBERTS
Secy of State.

To Col MARTIN F PERAZA.

ROBERTS TO PERAZA.^b

^a See Records of Department of State (Texas), Book 38, p. 202.

^b September 13, 1841. See Records of Department of State (Texas), Book 38, p. 202. [Appoints a time for a private interview between Peraza and the President.]

PERAZA TO ROBERTS.^a

PERAZA TO ROBERTS.^b

ROBERTS TO PERAZA.^c

PERAZA TO ROBERTS.^d

AUSTIN 18 de Set^e. de 1841.

El que suscribe tiene el honor de haber recibido con carta fha de ayer, seis ejemplares de las leyes de Texas que el Hon. Sór. Secretario de Estado Mr. Roberts ha tenido la bondad de enviarle pa. distribuir á su regreso á Yucatan como mejor le parezca, y l. ejemplar empastado para entregan al Gobern^{or}. á nombre de S. E. el Presidente.

Nada certam^{te}. podrá ser mas grato al Gobern^{or}. que un presente de esta naturaleza, ni á mí en lo particular p^r. la satisfaccion q tendre en distribuirlos entre las principales corporaciones de aquel pais á nombre del gobierno de Texas.

Doy p^r. todo al Hon Sr. Secretario de Estado las mas debidas y espresivas gracias, y tengo la honra de repetirme como su mas atento, afm^o y obed^{te}. servidor

MARTIN F. PERAZA.
(Rúbrica)

Al. Hon^e. Sr. S. A ROBERTS *Seco. etc.*

DECREE OF CONGRESS OF YUCATÁN RELATIVE TO INSTRUCTIONS GIVEN
PERAZA.^e

ARCHER TO MOORE.^f

ARCHER TO MOORE.^f

ROBERTS TO PERAZA.^f

^a September 16, 1841. See Calendar.

^b September 17, 1841. See Calendar.

^c September 17, 1841. See Rejón to Secretary of State, January 8, 1842 (in defence of conduct of Yucatán toward Texas).

^d A. L. S.

^e October 25, 1841. See Rejón to Secretary of State, January 18, 1842 (in defence of conduct of Yucatán toward Texas).

^f September 18, 1841. See Calendar.

TREATY BETWEEN MEXICO AND YUCATÁN.^a

 MOORE TO LEMUS.^b

 LEMUS TO MOORE.^b

 MOORE TO REJÓN.^c

 MOORE TO REJÓN.^d

 REJÓN TO MOORE.^e

 GRAY TO MEXICAN AND YUCATÁN COMMISSIONERS.^f

 GRAY TO MOORE.^g

 REJÓN TO MOORE.^h

 MOORE TO LEMUS.

[Copy]

MERIDA 13. January 1842

SIR As one Month transpired on the 8th inst since I got to Sea with the Squadron under my Command, agreeably to the Treaty entered into in Septr. last between the Governments of Texas and Yucatan, and as by that Treaty the Government of Yucatan was to place in my hands at the end of each and every month the sum of Eight Thousand Dollars (8.000.) I have to request that an order be given me on the Custom House at Sisal for the sum of *two* Thousand Dollars

^a December 28, 1841. See Rejón to Secretary of State, January 18, 1842 (in defence of conduct of Yucatán toward Texas).

^b January 8, 1842. See Calendar.

^c January 10, 1842. See Calendar.

^d January 10, 1842. See Rejón to Secretary of State, January 18, 1842 (in defence of conduct of Yucatán toward Texas).

^e January 12, 1842. See Rejón to Secretary of State, January 18, 1842 (concerning arrest of Commissioners).

^f January 12, 1842. See Calendar. On the same set of sheets containing the copy of this letter in the archives are copied also Gray to Lewis, January 12, ordering the arrest of the Commissioners; Gray to Cummings, of the same date, directing him to assist Lewis in the arrest; Lewis to Gray, of the same date, reporting the arrest; and Moore to Gray of the 13th, ordering the release of the Commissioners. The last is also listed in the Calendar. The order and report have not been printed.

^g January 12, 1842. See Calendar.

^h January 12, 1842. See Rejón to Secretary of State, January 18, 1842 (in defence of conduct of Yucatán toward Texas).

(\$2,000.) that sum being required to make up the eight thousand for the first month, as I received at New Orleans the sum of six thousand dollars (\$6,000.)

Your early attention to this matter is requested as I purpose leaving this City to-morrow for Sisal.

I have the honor to be

With high regard

Your Obt. Servt.

E. W. MOORE

Comdr. in Chief

Texas Navy.

The Honle,

PEDRO LEMUS

Secty of War and Navy

Merida

Yucatan

MOORE TO REJÓN.^a

LEMUS TO MOORE.^b

MÉRIDA Enero 14 de 1842.

SEÑOR

Puse en conocimiento del Exmõ Sõr Gobernador la comunicacion de V S. de ayer en que solicita se le paguen por la Aduana de Sisal, dos mil pesos, completo de los ocho mil que por el Gobierno de Yucatan deben enterarse en fin de cada mes para los gastos de la Escuadra Tejana, mientras subsistan los tratados con el Gobierno de V S.: En tal virtud, S. E. ha dispuesto q. se satisfagan á V S. los espresados dos mil pesos, y quedan comunicadas las órdenes al efecto.

Tengo el honor de reiterar á V S. los sentimientos de la mayor estimacion con que soy su obediente servidor.

PEDRO LEMUS

(Rúbrica)

Sõr C. W. MOORE *Comodor*

de la Escuadra de Texas.

Mérída

MOORE TO REJÓN.^c

REJÓN TO MOORE.^d

^a January 14, 1842. See Rejón to Secretary of State, January 18, 1842 (in defence of conduct of Yucatán toward Texas).

^b A. L. S.

^c January 15, 1842. See Rejón to Secretary of State, January 18, 1842 (concerning arrest of commissioners).

^d January 18, 1842. See Calendar.

REJÓN TO SECRETARY OF STATE [WAPLES, ACTING].^aEXM^o S^oR.

De órden del E. S. Gobernador de este Estado dirijo á V. E. en copias legalizadas las dos adjuntas comunicaciones, y éllas le impondrán del grave y escandaloso atentado cometido en el fondeadero del puerto de Sisal por Mr. A. G. Gray Comandante de la Corbeta de guerra, Austin perteneciente á la escuadra de ese Gobierno.

Salieron de ésta Capital bajo las garantías del de éste Estado y con direccion al puerto de Veracruz, el S. Magistrado D. Andres Quintana Roo, enviado á ésta Península por el Gobierno de Méjico, y las demas personas cuyos nombres y categorías se expresan en la copia n^o. 1^o. Llegados a Sisal y embarcados en la barca Americana Luisa, que debia conducirlos al puerto de su destino, la asaltó en la misma bahia el referido comandante de la Corbeta Austin con fuerza armada, y estrayendo de dho. buque a los individuos indicados, los condujo y mantubo prisioneros á bordo de la Corbeta de su mando.

Reclamado por el Gobierno ésta violencia al Comodoro de la escuadra que se hallaba en ésta Capital, dió la contestacion q. incluye la copia n^o. 2^o., y en efecto, á virtud de la órden que segun indica dirigió al Comand^{te}. de la Corbeta Austin, se pusieron en libertad á los prisioneros; mas entretanto el referido Comandante Mr. A. G. Gray cometió un atentado escandaloso, atentado que ha provocado la indignacion pública, y por el cual ha hecho una grave ofensa directa al Gobierno de este Estado, bajo cuyas garantías se hallaban los individuos aprisionados, casi todos yucatecos, y ofensa en fin tanto mas remarcable y punible, cuanto á que se perpetró por una fuerza aliada y destinada al servicio del Estado.

El Exm^o S. Gobernador se promete, que el Gobierno de Téjas, instruido del acontecimiento que he referido, hará que al de éste Estado se le dé la plena satisfaccion que se le debe, acerca de la cual y por la presente nota hace S. E. la mas solemne y formal reclamación.

Tengo el honor de reproducir á V. E. mis respetos y consideraciones.

Dios

y libertad, Mérida

enero 18. de 1842.

JOAQ. G. REJÓN
(Rúbrica)Exm^o. S. S^ori^o. de Estado del
Gobierno de Tejas.

[Inclosed are Rejón to Moore, January 12, 1842, and Moore to Rejón, January 15, 1842.^b]

^a L. S.^b For both, see Calendar.

REJÓN TO SECRETARY OF STATE [WAPLES, ACTING].^a

Exmõ Sõr.

El que se suscribe tiene el honor de remitir á V. E., de órden del Exmõ. Sõr. Gobernador de este Estado y como su Sõr. general, los adjuntos nueve docúmentos, conteniendo con mas precicion, á fondo, y en su origen, cuantas explicaciones, pudieran darse para instruir del estado actual politico, de este pais, y de las comunicaciones que con referencia á él, han mediado entre este Gobierno y el Comodoro de las fuerzas navales de ese Gobierno Mr. E. W. Moore

Poco ó nada hay que añadir á las sólidas razones contenidas en la nota oficial q. de õrn. superior diriji al expresado Sr. Comodoro con fha. 12. del presente mes, marcada entre los documentos con el número 8. En ellas se manifiesta explícitamente que Yucatan no ha violado en manera alguna el convenio que celebró su Gobierno con el de Téjas en 18. de setiembre último, contraído únicamente á que bajo compensacion facilitase parte de sus fuerzas navales para auciliar la defenza del Estado, supuesta la guerra q. México le tenia declarada; y en ellas tambien se manifiesta el derecho y la libertad q. tuvo al acordar el tratado que celebró en 28. de diciembre último con el comisionado nombrado por parte del Gobierno de Méjico, incluso en los documentos, señalado con el número 6. y relativo á fijar las bases ó condiciones, q. en él se expresan, bajo las cuales volveria á unirse este Estado con el resto de la República.

Los pueblos detestan la guerra, y solo la sostienen por repeler la tiranía y afiansar su libertad. Faltando estas causas prefieren y apetesen la paz, y este sentimiento innato y comun forma una ley inviolable, preexistente a todo convenio.

El Gobierno de Méjico ha convidado á Yucatan con la paz, exiéndolo á la union con el resto de la República, y garantizando sus derechos y especialmente los de su libertad. La moral, la política, y la conveniencia pública exijian q. se aceptasen estos ventajosos convenios, y asi se hizo consignándolos circunstanciadamente en el referido tratado, pendiente hoy de la ratificacion del Gobierno de Méjico; y por lo tanto no estando aun consumado el contrato para que establezca recíprocos derechos y obligaciones, Yucatan permanece en esicion del resto de la República, y variara de politica luego q. aquel Gobierno apruebe el referido tratado, sin que por esto se constituya en la obligacion de hostilizar á Tejas como se deduce del mismo tratado, ni tampoco el que deje de dispensarle aquellas justas consideraciones á que inclinan las simpatias y uniformidad de principios en favor de la causa de la libertad y prosperidad de los pueblos.

Estos son los sentimientos del Exmō. Sr. Gobernador y al manifestárselos á V. E. para que los ponga en conocimiento de S. E. el Presidente de ese Gobierno, me cabe la satisfaccion de reproducir á V. E. las seguridades de mi consideracion y aprecio.

Dios y lib. Mérida, Enero 18. de 1842.

JOAQU. G. REJÓN
(Rúbrica)

Exmō. Sr. Sñō. de Estado
del Gobierno de Tejas.

Congreso del Estado libre de Yucatan—Exmō. Sñr—El A. Congreso en sesion del dia de hoy oido el dictámen de su comision de hacienda ha acordado lo siguiente—1º. Que el Ejecutivo facilite al comandante del Vapor Zavala la leña necesita, procurando en su acopio la mayor economia, y recojiendo del mismo Comandante libranza p^r. su valor á cargo del Gobierno de Téjas, q negociará en esta plaza ó en la de Campeche p^a. reembolzar á la hacienda pública—2º. Que manifieste al Com^{te}. del Vapor Zavala y á su Gobierno cuales son los sinceros deseos del Estado de Yucatan, p^r. la independencia nacional y restablecim^{to}. de la federacion, y q en adelante tendrá el sentimiento de no poder hacer ningun desembolso de aquella ni de otra naturaleza pr. las angustias de nuestro erario.—3º. Que asi mismo le manifieste q nuestros puertos estan abiertos francamente, bajo las formalidades de nuestras leyes á las embarcaciones y ciudadanos de aquel Estado, y que el Gobierno de Yucatan hará cumplir religiosamente cualquier contrato, obligacion ó compromiso que sus súbditos celebren y contraigan con los de Téjas—Lo q de órden del mismo A. C. comunicamos á V. E. para su inteligencia y fines consiguientes—Dios y libertad. Mérida 1º de Setiembre de 1840—Tomas Ruiz, Diputado secretario—Buenaventura Perez, Diputado secretario—Exmō Sñr. Gobernador del Estado.

Es copia. Mérida Enero 18 de 1842

JOAQU. G. REJÓN
(Rúbrica)

Ynstrucciones á las que deberá sujetarse el Sr. Coronel Dⁿ. Martin Fran^{co}. Peraza, enviado por este Gobierno al territorio de Tejas para tratar y convenir con el de aquella República el q facilite sus fuerzas navales al servicio del Estado y al de la causa comun que ambos Gobiernos sostienen.

1º. Como actualmente están amagadas nuestras costas de ser hostilizadas por la fuerza marítima q está preparando el Gob^{no}. Central

de Méjico, agenciará sin perder momento, que el de Téjas auxilie á este Estado con toda su escuadra ó con dos ó mas buques de ella, para q poniéndolos á disposicion y órdenes de este Gobierno, completamente equipados, opere en union de los q tiene armados el Estado, ya sea p^a. impedir la formacion ó salida á la mar de toda fuerza marítima de Méjico, ó para batirla donde la encuentre, cuyos gastos serán pagados por el Estado, quien deberá tener dhos buques á su disposicion y órdenes todo el tiempo q los necesite.

2º. Para estos gastos se pondrán á disposicion del agente ocho-mil pesos que hay disponibles, y otros ocho mil mensuales de q tambien podrá disponer, bajo cuyos supuestos procederá al convenir, procurando sacar las posibles y mayores ventajas en favor del Estado, sin q le retraiga para realizar dicho compromiso, cualquiera cantidad q exceda de las expuestas, siempre q no la jusgue exhorbitante, pues en tal caso será cubierta la diferencia, aun á costa de todo sacrificio.

3º. Como puede suceder que esta fuerza convinada no sea necesaria en nuestras costas, ni tampoco para perseguir las de Méjico, por que no las haya levantado, será condicion expresa del convenio que en tal supuesto pueda este Gobierno destinarla á hostilizar á Matamoros, y si es posible hasta apoderarse del puerto, en cuyo caso intervenida su aduana, con sus productos se indemnizará á Yucatan de todos los gastos que hubiese hecho, y cualquiera cantidad remanente será divisible entre ambos Gobiernos. Lo mismo se hará sin deduccion alguna con el valor de todo buque que se aprese.

4º. Cualquiera insidente que pueda ocurrir y que de algun modo embarace el llevar á efecto las anteriores instrucciones, el agente lo dará por previsto y aqui expreso, para allanar todo tropieso, pues se le autoriza ampliamente para obrar en este concepto con toda libertad, mirando y ateniendo siempre al honor, al bien y especialmente á la defenza y seguridad del Estado como se lo promete este Gobierno.

5º. Para sus gastos personales se le entregarán al agente mil pesos, á reserva de abonársele á demas los extraordinarios que haga. Al que le acompañe con el carácter de sriõ. ó interprete se le asignan cincuenta pesos mensuales de gratificacion.

Palacio. del Gobierno de Yucatan en Mérida á veinte y cuatro de agosto de mil ochocientos cuarenta y uno.

Es copia. Mérida, Enero 18 de 1842.

JOAQ. G. REJÓN.
(Rúbrica)

[Inclosed also were: A Declaration of Rights by Congress of Yucatán, March 12, 1841 [No. 2.]; Decree of Congress of Yucatán, relative to instructions given Peraza, October 25, 1841 [No. 4.]; ^a Roberts to Peraza, September 17, 1841 [No. 5.]; ^b Treaty between Mexico

^a See Moore, *To the People of Texas*, 34-35.

^b See Calendar.

and Yucatán, [December 28, 1841] [No. 6.]; Moore to Rejón, January 10, 1842 [No. 7.]; ^a Rejón to Moore, January 12, 1842 [No. 8]; and Moore to Rejón, January 14, 1842 [No. 9].

MOORE TO LEMUS.^b

LEMUS TO MOORE.^c

MOORE TO CÁRDENAS.^d

MOORE TO CELERAYAN.^d

CÁRDENAS TO MOORE.^d

CELERAYAN TO MOORE.^d

MOORE TO LEMUS.^e

LEMUS TO MOORE.^f

LEMUS TO MOORE.^g

MOORE TO LEMUS.^h

LEMUS TO MOORE.ⁱ

^a For this letter and the two that follow, see Calendar.

^b February 25, 1842. See Calendar.

^c February 26, 1842. See Calendar.

^d March 7, 1842. See Calendar.

^e March 8, 1842. See Calendar.

^f March 18, 1842. See Calendar.

^g March 26, 1842. See Lemus to Secretary of State Rejón, April 8, 1842, inclosed with Rejón to President of Texas, April 9, 1842.

^h March 28, 1842. See Calendar.

ⁱ March 29, 1842. See Calendar.

LEMUS TO SECRETARY OF STATE [REJÓN].^aREJÓN TO PRESIDENT OF TEXAS.^b

[Duplicado.]

EXCMO SEÑOR.

Por el Ministerio de guerra y marina se me ha comunicado la Suprema determinacion del E. Sór. Gobernador de este Estado que incluye la adjunta copia autorizada que tengo el honor de dirigir á V E., relativa á retirar del servicio de este Gobierno la escuadra de esa República por las causas impulsivas que en ella misma se expresan.

El infrascripto Secretario general del Gobierno tiene tambien el honor de manifestar á V E. que S. E. el Gobernador se halla satisfecho del buen comportamiento del Comodoro Mr. E. V. Moore, y que reconoce como un acto de fraternidad y franqueza el haber facilitado ese Gobierno Sus fuerzas navales al servicio del Estado. Acepte V E. con este motivo las consideraciones de S E. y las protestas de mis respetos.

Dios y Lib. Mérida, abril 9, de 1842.

JOAQ. G. REJÓN
(Rúbrica)

Excmo Sór. Presidente
de la República de Tejas.

Sriã de Guerra y Marina.—Seccion 1º.—Con fecha 26 del mes proximo pasado dije al Sr. Comodoro de la Escuadra de Tejas lo q. copio.—El Excmo. Sr. Gobór. sabe que no han sido ratificados en Méjico los tratados que celebró este Estado con los comisionados de aquel Gobierno provisional; pero al mismo tiempo hay noticia de que no se piensa por ahora en invadirnos y de q. en el caso de que esto se verifique, no será hasta despues de ocho meses ó un año por razon de la posicion embarazosa y la falta de recursos en q. á la sason se encuentra el General Santa Anna. El Estado no puede continuar pagando todo ese tiempo ocho mil pesos mensuales á los buques de V S. segun lo convenido con el Gobierno de Tejas de quien V S. depende, y me cabe por lo mismo el sentimiento de manifestarlo á V S. sin q. pº. esto se entienda que son interrumpidas las relaciones de buena armonia y amistad que reciprocamente se han guardado ambos Gobiernos. En tal concepto puede V S. si le parese, retirarse con los buques de su mando desde la fha. en que se cumpla el mes que va corriendo, participandolo asi á su Gobierno sin per-

^a April 8, 1842. See Rejón to President of Texas, April 9, 1842.

^b L. S.

jucio de q. p.^r. la Sria. que corresponde se le haga la debida comunicacion. El Gobernador no duda poder contar con los auxilios de Tejas transcurrido q. sea el tiempo ya indicado, asi como V. S. hallará sprē. en los puertos de Yucatan la amistosa acogida con q. el Estado lo ha recibido hasta aqui. Y lo inserto á V S. de órden del Excmō Señor Gobernador á fin de que haga al Gobierno de Tejas las comunicaciones convenientes.—Dios y lib. Merida abril 8 de 1842.—Pedro Lemus—Sōr. Secretario general de Gobierno.

Es copia. Mérida, Abril 9. de 1842.

JOAQ. G. REJÓN
(Rúbrica)

MOORE TO LEMUS.^a

LEMUS TO MOORE.^b

MOORE TO LEMUS.^c

MOORE TO CÁRDENAS.^d

CÁRDENAS TO MOORE.^e

MOORE TO LEMUS.^e

MOORE TO LEMUS.^f

DE LLERGO TO MOORE.^g

MOORE TO CÁRDENAS.^h

^a April 19, 1842. For remaining titles, see Calendar.

^b April 22, 1842.

^c April 24, 1842.

^d April 25 [?], 1842.

^e April 26, 1842.

^f May 26, 1842.

^g June 8, 1842.

^h January 16, 1843.

MOORE TO GOVERNOR OF YUCATÁN.^a

BARBACHANO TO MOORE.^b

MENDEZ TO MOORE.^c

CÁRDENAS TO MOORE.^d

MOORE TO MENDEZ.^e

MOORE TO BARBACHANO.^f

HOUSTON TO MORGAN AND BRYAN.^g

MOORE TO BARBACHANO.^h

BARBACHANO TO MOORE.ⁱ

MOORE TO BARBACHANO.^j

BARBACHANO TO MOORE.^k

MOORE TO MENDEZ.^l

MENDEZ TO MOORE.^l

MOORE TO MENDEZ.^m

^a January 17, 1843.

^b January 31, 1843.

^c February 3, 1843.

^d February 5, 1843.

^e February 23, 1843.

^f February 24, 1843.

^g March 23, 1843.

^h April 28, 1843.

ⁱ May 1, 1843.

^j May 15, 1843.

^k May 20, 1843.

^l May 22, 1843.

^m May 26, 1843.

MENDEZ TO MOORE.^a

MOORE TO BARBACHANO.^b

BARBACHANO TO MOORE.^c

MOORE TO BARBACHANO.^d

MOORE TO BARBACHANO.^e

MOORE TO BARBACHANO.^f

BARBACHANO TO MOORE.^g

^a May 26, 1843.

^b June 1, 1843.

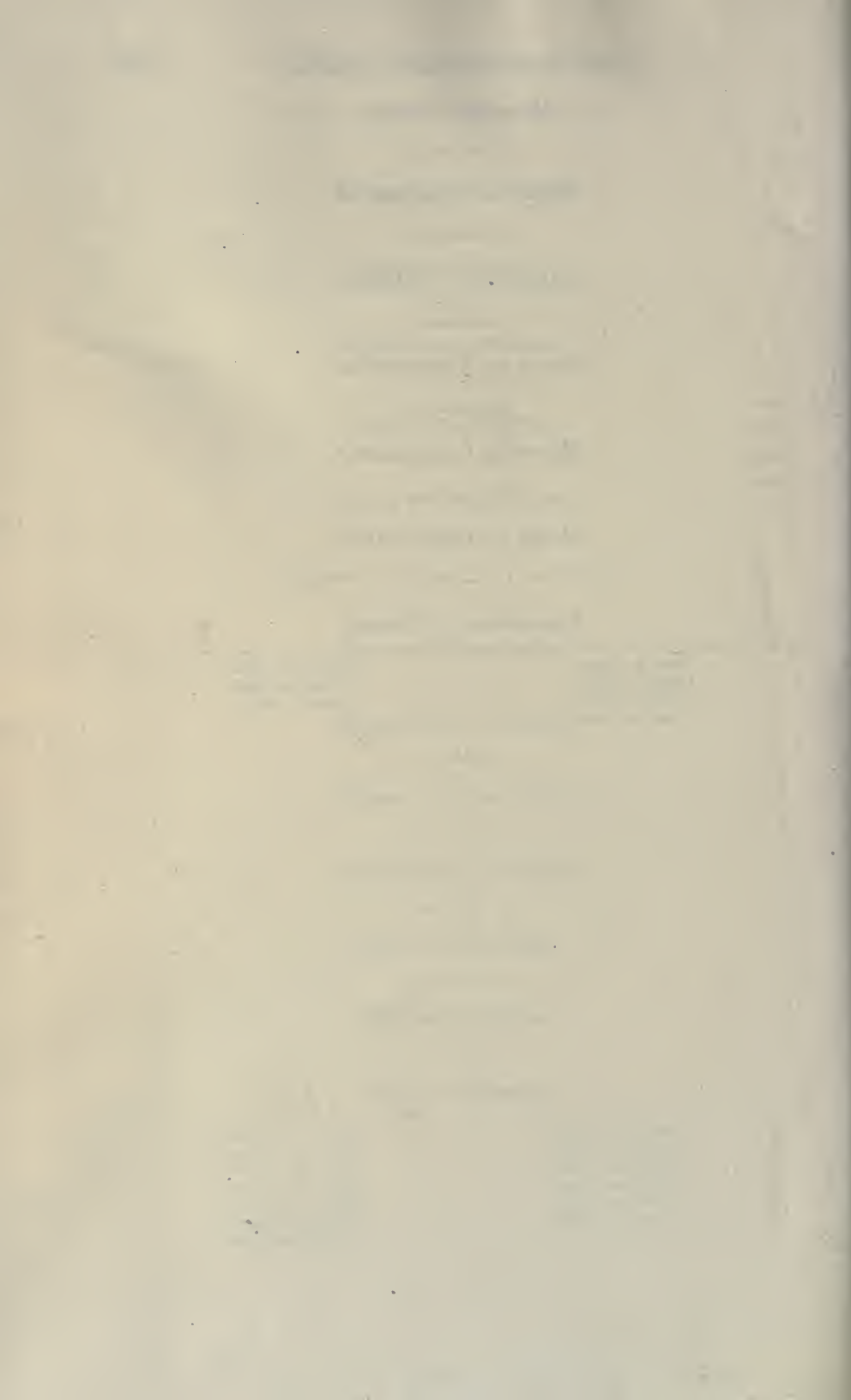
^c June 24, 1843.

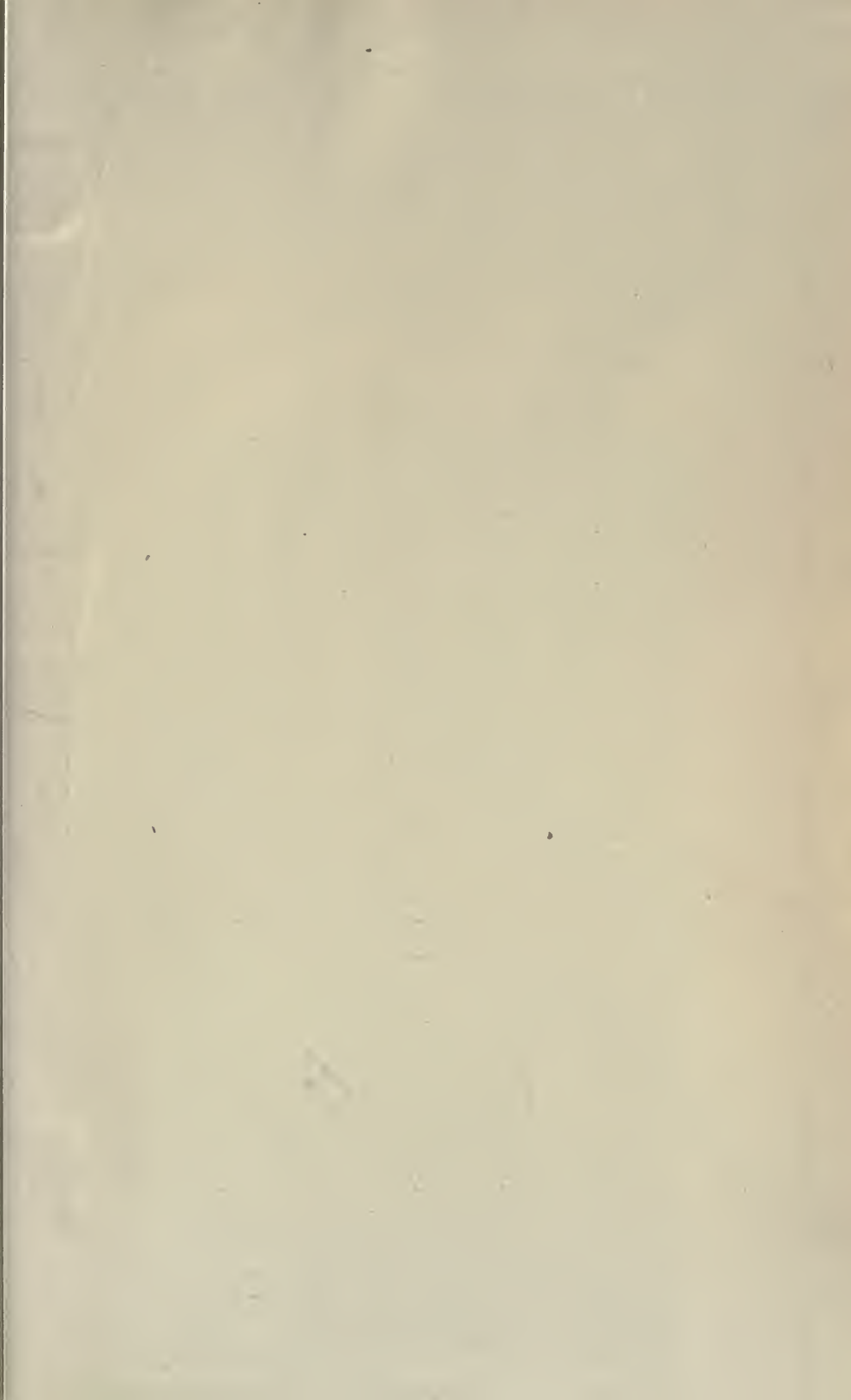
^d June 27, 1843.

^e June 28, 1843.

^f June 30, 1843.

^g July 6, 1843.





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